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DELEGATION TO ENGLAND.

RÉPORT OF THE DELEGATION TO ENGLAND, TO ARRANGE A UNION OF THE BRITISH NORTH AMERICAN PROVINCES.

Fredericton, New Brunswick, 8th May, 1867.

MAY IT PLEASE YOUR EXCELLENCY,

The undersigned Delegates, appointed by the Lieutenant Governor to arrange with Her Majesty's Government a Scheme of Union for the British North American Provinces, with the exception of the Hon. P. Mitchell and the Hon. J. M. Johnson, who sailed some days later, reached Liverpool on the 28th July last, in company with the Delegates from Nova Scotia, and immediately transmitted the following telegram to the Right Honorable the Secretary of State for the Colonies:—

“Can Your Lordship favour Nova Scotia and New Brunswick Delegates with a brief interview on Monday next: and if so, at what hour?”

(Signed)

CHARLES TUPPER,
S. L. TILLEY.”

The same day the following reply was received:—

“Lord Carnarvon will be most happy to receive the Delegates from Nova Scotia and New Brunswick on Monday next, at three P. M.”

In accordance with this intimation, the Delegates from Nova Scotia and New Brunswick waited upon His Lordship at the Colonial Office, and explained fully the position of the Confederation question, and expressed the hope that the Delegates from Canada, when they found that the Delegates from the Maritime Provinces had proceeded to London, would follow them by the Canadian Steamer of the 21st, and that they would soon arrive. Lord Carnarvon expressed the desire of Her Majesty's Government to promote the object of the Mission, and said he would telegraph at once to Canada by the Cable.

On the 31st July the following Note was received from Lord Carnarvon's Private Secretary:—

“July 31st, 1866.

“SIR,—I am directed by Lord Carnarvon to inform you, that immediately after your interview of yesterday, he telegraphed to the Officer Administering Canada, enquiring whether the Delegates from that Province had already started for Europe. No answer has yet been received, and owing to the intermission in the wire between Newfoundland and the main land, no immediate answer can be counted on.

"As furthermore the Canadian Delegates have not yet been reported by telegram as having passed Londonderry, we cannot in any event expect to see them in London before the end of this week.

"Under these circumstances, Lord Carnarvon, after much consideration, finds it impossible to hold out any hope of proposing any measure to Parliament during the very short remnant of the Session."

"Lord Carnarvon wishes me to add, that such must be the answer which he will be obliged to make to-night in the House of Lords to a question of which notice has been given, as to the steps which he proposed to take with regard to Confederation.

"Should you, Sir, or any of the gentlemen who are with you, wish to be present in the House of Lords to-night, Lord Carnarvon will have the greatest pleasure in introducing you. He has also written to request that places may be provided for you in the House of Commons.

I have, &c.

(Signed)

CECIL C. GRAHAM.

The Hon. S. L. TILLEY."

On the 12th of September, the following Letter was addressed to Lord Carnarvon:—

"Alexandra Hotel, September 12th, 1866.

"MY LORD,—As Delegates from the Provinces of Nova Scotia and New Brunswick, appointed to confer with Delegates from Canada and with Her Majesty's Government, upon the question of a Confederation of the British North American Provinces, we are naturally anxious to terminate the suspense in which we have been left since our arrival here, relative to the time when we may hope to accomplish the object of our mission.

"Believing, as we do, that the abrogation of the Reciprocity Treaty and the Fenian invasion of Canada, were largely owing to the failure of the Provinces we represent to agree promptly to form a united Government, as proposed by the Quebec Conference in 1844, and approved by the Imperial Government, and that the adoption of Confederation would be the best means of securing the renewal of that Treaty and discouraging Fenian designs upon British America, the Governments of Nova Scotia and New Brunswick have been most anxious that no time should be lost in accomplishing the Union of the Provinces.

"With that view, Messrs. Tupper and Archibald visited Ottawa on the 29th of June last, and after conferring with His Excellency the Governor General and the Canadian Government, it was mutually agreed that Delegates from the two Lower Provinces should proceed to England by the Steamer leaving Halifax on the 19th July, and that Delegates from Canada should follow by the Steamer leaving Quebec on the 21st July.

"Subsequently, Lord Monck intimated by Telegraph that the change of Government in England would render it necessary to hear from England before the departure of the Delegates. The Delegates from Nova Scotia and New Brunswick, after the arrival of the latter at Halifax, jointly communicated to the Canadian Government their views as to the necessity for immediate action, and their intention to leave on the 19th July, as arranged at Ottawa; and it was only on the eve of their departure that they received a telegram from the Hon. J. A. McDonald, saying that Lord Monck declined to go to England or to send a Delegation until authorized by the new Secretary of State. At the interview with which we were honored by Your Lordship on our arrival in London on the 30th July, we understood Your Lordship to say that you would send a message by the Atlantic Cable to the Governor General, asking if the Canadian Delegates had left, and if not,

requesting that they would come without delay. Your Lordship subsequently did us the honor to inform us that a Despatch had been sent on the 11th August, requesting the Governor General to arrange for the Canadian Delegates to proceed to England as soon as possible, and expressing the hope that in any case they would not be later than the latter part of September.

"Although we have, since our arrival, been favored with frequent opportunities of discussing the question of Confederation with Your Lordship, and other Members of Her Majesty's Government, we have, up to the present time, received no information as to the period when we may expect the Delegates from Canada. We feel it therefore due to the Provinces we represent, that we should respectfully solicit Your Lordship to ascertain, and communicate to us, how soon we may expect the Delegates from Canada to arrive here, in order that we may govern ourselves accordingly.

We have, &c.

(Signed)

CHARLES TUPPER,
S. L. TILLEY.

To the Right Honorable the Earl of Carnarvon,
Secretary of State for the Colonies."

On the same day this reply was received:—

"Downing Street, 12th September, 1866.

"GENTLEMEN,—I am directed by the Earl of Carnarvon to acknowledge your letter of this day's date, requesting His Lordship to ascertain how soon you may expect the arrival of the Delegates from Canada.

"I am desired to acquaint you, that His Lordship telegraphed to Lord Monck on this subject after the interview to which you allude in your letter, but that he has not had a specific answer, nor is in possession of any information beyond what he has communicated to the Delegates at various times. On the receipt, however, of your present letter, Lord Carnarvon has telegraphed, to state the inconvenience to which the Delegates of the Lower Provinces are subject by the delay, and to enquire distinctly when their Canadian colleagues start for England.

"Lord Carnarvon will communicate the result of this enquiry as soon as known to himself.

I have, &c.

(Signed)

T. FREDERICK ELLIOT.

The Honorable C. Tupper,
The Honorable S. L. Tilley."

On the 17th of September this letter was received:—

"Downing Street, 17th September, 1866.

"GENTLEMEN,—With reference to my letter of the 12th instant, I am directed by the Earl of Carnarvon to acquaint you that His Lordship has received a telegram from Lord Monck, to the effect, that in the present state of the Fenian affairs, the principal members of the Ministry, who must be Delegates, could not leave the Province, and probably not before the closing of the navigation.

"Lord Carnarvon regrets the occurrence of these unforeseen delays, which must entail so much inconvenience upon you and your colleagues, both in your public and private capacity, and he is most anxious to help you, as far as is in his power, to meet the difficulties of the present turn of affairs. It will, probably, be your wish to deliberate amongst yourselves as to your joint course of action, having done which, His Lordship will be happy to confer with you, and to give you his best co-operation.

I have, &c.

(Signed)

T. FREDERICK ELLIOT.

The Honorable C. Tupper,
The Honorable S. L. Tilley."

The following reply was sent to Mr. Elliot on the 22nd of September:—

" Alexandra Hotel, 22nd September, 1866.

"SIR,—We have the honor to acknowledge the receipt of your letters of the 12th and 17th instant, and thank Lord Carnarvon for the prompt manner in which His Lordship acceded to our request relating to the Communication with His Excellency the Governor General, and the desire exhibited to aid us in the circumstances in which we are placed by the delay on the part of the Delegates from Canada.

"Having had an opportunity of discussing the subject, the Delegates from Nova Scotia and New Brunswick will be glad to be honored with an interview at Lord Carnarvon's convenience.

We have, &c.

(Signed)

CHARLES TUPPER,
S. L. TILLEY.

T. FREDERICK ELLIOT, Esq."

On the same day this answer was received:—

" Downing Street, 22nd September, 1866.

"GENTLEMEN,—In answer to your letter of this day's date, I am directed by the Earl of Carnarvon to acquaint you that His Lordship will be happy to receive the Delegates from Nova Scotia and New Brunswick, at this Office, on Monday, at one o'clock, if that time will suit their convenience.

I have, &c.

(Signed)

T. FREDERICK ELLIOT.

The Hon. C. TUPPER,
The Hon. S. L. TILLEY."

To this letter the following reply was sent:—

" Alexandra Hotel, September 22nd, 1866.

"SIR,—In reply to your letter of this day's date, we beg to say that the Delegates from Nova Scotia and New Brunswick will do themselves the honor of waiting upon His Lordship the Earl of Carnarvon, at one o'clock, on Monday next, as intimated by you.

We have, &c.

(Signed)

CHARLES TUPPER,
S. L. TILLEY.

T. FREDERICK ELLIOT, Esq."

The Delegates from Nova Scotia and New Brunswick, after much consultation and mature deliberation, having decided to ask further pecuniary advantages for the Provinces they represented, arrived at the conclusion that, if successful, similar advantages might be reasonably extended to Prince Edward Island, and therefore a further effort should be made to induce Prince Edward Island to enter the Confederation, agreed to the following proposition:—

"At a Meeting of the Delegates from Nova Scotia and New Brunswick, held at the Alexandra Hotel, London, on the 22nd day of September, 1866, all being present except the Honorable Mr. Wilmot, it was unanimously resolved, that inasmuch as the co-operation of Prince Edward Island, though not indispensable to a Union of the other British North American Provinces, is on many accounts very desirable, and as the settlement of the Land question, which has so long and so injuriously agitated that Colony, would be attended with great benefit, and at the same time place the Local Government of the Island, by the possession of the Proprietary lands, more on a footing with the other Provinces, which have Crown Lands and Minerals as a source of local Revenue; therefore

"Resolved, That in case the Legislature of the Island should authorize the appointment of Delegates to act in conjunction with those from the other Provinces, in arranging a plan of co-operation prior to the meeting of the Imperial Parliament, the Delegates from Nova Scotia and New Brunswick are hereby pledged to support the policy of providing such an amount as may be necessary for the purchase of the proprietary rights, but not to exceed eight hundred thousand dollars, (\$800,000.")

(Signed)

CHARLES TUPPER,
S. L. TILLEY.

On Monday, the 24th September, a lengthened interview took place between the Delegates and the Secretary of State for the Colonies and Sir Frederick Rogers, when the foregoing Document was handed to Lord Carnarvon, with a request that he would forward it to the Governor General of Canada, and the Lieutenant Governor of Prince Edward Island. His Lordship was also informed that the Delegates from Nova Scotia and New Brunswick, with the exception of Messrs. Chandler and MacFarlane, who were obliged to return home on account of urgent private business, would remain and await the arrival of the Canadian Delegates.

On the 18th of October, the following Letter was received from Sir Frederick Rogers:—

"Downing Street, 18th October, 1866.

"GENTLEMEN.—I am directed by the Earl of Carnarvon to acquaint you that His Lordship has received a Despatch from Viscount Monck, stating that the Gentlemen selected as Canadian Delegates on the subject of Confederation, will leave Canada on the 7th November.

"They hope to assemble in this country about the 20th of that month.

I have, &c.

(Signed)

FREDERICK ROGERS.

The Hon. C. TUPPER,
The Hon. S. L. TILLEY."

The Delegates from Canada having arrived, the Conference on the Union of the Colonies was duly organized at the Westminster Palace Hotel on the 4th of December. The Conference was composed as follows:—

Honorable J. A. MacDonald,	}	CANADA.
" G. E. Cartier,		
" W. P. Howland,		
" W. McDougall,		
" H. Langevin,		
" A. T. Galt,	}	NOVA SCOTIA.
Honorable Charles Tupper,		
" W. A. Henry,		
" J. W. Ritchie,		
" Jonathan M'Cully,		
" A. G. Archibald,	}	NEW BRUNSWICK.
Honorable Peter Mitchell,		
" S. L. Tilley,		
" R. D. Wilmot,		
" Charles Fisher,		
" J. Johnson,		

On motion of Hon. C. Tupper, seconded by the Hon. S. L. Tilley, the Hon. J. A. MacDonald was appointed Chairman, H. Bernard, Esquire, was appointed Secretary.

The Conference continued in session *de die in diem* until the 24th December, when the following Resolutions were finally agreed upon, and transmitted to the Secretary of State for the Colonies:—

RESOLUTIONS

Adopted at a Conference of Delegates from the Provinces of Canada, Nova Scotia, and New Brunswick, held at the Westminster Palace Hotel, London, December 24th, 1866.

1. The best interests and present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain, provided such Union can be effected on principles just to the several Provinces.

2. In the Confederation of the British North American Provinces, the system of Government best adapted under existing circumstances to protect the diversified interests of the several Provinces, and secure efficiency, harmony, and permanency in the working of the Union, is a General Government charged with matters of common interest to the whole country, and Local Governments for each of the Canadas, and for the Provinces of Nova Scotia and New Brunswick, charged with the control of local matters in their respective sections, provision being made for the admission into the Confederation, on equitable terms, of Newfoundland, Prince Edward Island, the North West Territory, and British Columbia.

3. In framing a Constitution for the General Government, the Conference, with a view to the perpetuation of the connexion with the Mother Country, and the promotion of the best interests of the people of these Provinces, desire to follow the model of the British Constitution so far as circumstances will permit.

4. The Executive Authority or Government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well understood principles of the British Constitution, by the Sovereign personally, or by the Representative of the Sovereign duly authorized.

5. The Sovereign shall be Commander in Chief of the Land and Naval Militia Forces.

6. There shall be a General Legislature or Parliament for the Confederation, composed of the Sovereign, a Legislative Council, and a House of Commons.

7. For the purpose of forming the Legislative Council, the Confederation shall be considered as consisting of three divisions:—1st, Upper Canada; 2nd, Lower Canada; and 3rd, Nova Scotia and New Brunswick; each division with an equal Representation in the Legislative Council.

8. Upper Canada shall be represented in the Legislative Council by 24 Members; Lower Canada by 24 Members; and the Maritime Provinces by 24 Members, of which Nova Scotia shall have 12 and New Brunswick 12 Members.

9. The Colony of Prince Edward Island, when admitted into the Confederation, shall be entitled to a Representation of four Members in the Legislative Council. But in such case the Members allotted to Nova Scotia and New Brunswick shall be diminished to 10 each, such diminution to take place in each Province as vacancies occur.

10. The Colony of Newfoundland, when admitted into the Confederation, shall be entitled to a Representation in the Legislative Council of four Members.

11. The North West Territory and British Columbia shall be admitted into

the Union on such terms and conditions as the Parliament of the Confederation shall deem equitable, and as shall receive the assent of the Sovereign; and in case of the Province of British Columbia, as shall be agreed to by the Legislature of such Province.

12. The Members of the Legislative Council shall be appointed by the Crown, under the Great Seal of the General Government, from among residents of the Province for which they are severally appointed, and shall hold office during life. If any Legislative Councillor shall, for two consecutive Sessions of Parliament, fail to give his attendance in the said Council, his Seat shall thereby become vacant.

13. The Members of the Legislative Council shall be British subjects by birth or naturalization, of the full age of thirty years; shall each possess in the Province for which they are appointed a continuous real property qualification of four thousand dollars over and above all incumbrances, and shall be and continue worth that sum over and above their debts and liabilities, and shall possess a continuous residence in the Province for which they are appointed, except in the case of persons holding positions which require their attendance at the Seat of Government pending their tenure of office.

14. If any question shall arise as to the qualification of a Legislative Councillor, the same shall be determined by the Legislative Council.

15. The Members of the Legislative Council for the Confederation shall, in the first instance, be appointed upon the nomination of the Executive Governments of Canada, Nova Scotia, and New Brunswick, respectively, and the number allotted to each Province shall be nominated from the Legislative Councils of the different Provinces, due regard being had to the fair representation of both political parties; but in case any Member of the Local Council, so nominated, shall decline to accept it, it shall be competent for the Executive Government, in any Province, to nominate in his place a person who is not a Member of the Local Council.

16. The Speaker of the Legislative Council, (unless otherwise provided by Parliament), shall be appointed by the Crown from among the Members of the Legislative Council, and shall hold office during pleasure, and shall only be entitled to a casting vote on an equality of votes.

17. Each of the twenty four Legislative Councillors, representing Lower Canada in the Legislative Council of the General Legislature, shall be appointed to represent one of the twenty four Electoral Divisions mentioned in Schedule A of Chapter 1 of the Consolidated Statutes of Canada, and such Councillor shall reside or possess his qualification in the Division he is appointed to represent.

18. The basis of representation in the House of Commons shall be population, as determined by the official Census every ten years, and the number of Members at first shall be one hundred and eighty one, distributed as follows:—

Upper Canada,.....	82.
Lower Canada,.....	65.
Nova Scotia,.....	19.
New Brunswick,.....	15.

19. Until the first General Election after the official Census of 1871 has been made up, there shall be no change in the number of Representatives from the several sections.

20. Immediately after the completion of the Census of 1871, and immediately after every decennial Census thereafter, the representation from each Province in the House of Commons shall be re-adjusted on the basis of population, such re-adjustment to take effect on the termination of the then existing Parliament.

21. For the purpose of such re-adjustment, Lower Canada shall always be assigned sixty five Members, and each of the other Provinces shall, at each re-adjustment, receive for the next ten years then next succeeding the number of Members to which it will be entitled on the same ratio of representation to population as Lower Canada will enjoy according to the Census then last taken by having sixty five Members.

22. No reduction shall be made in the number of Members returned by any Province unless its population shall have decreased, relatively to the population of the whole Union, to the extent of five per centum.

23. In computing at each decennial period the number of Members to which each Province is entitled, no fractional parts shall be considered, unless when exceeding one half the number entitling to a Member, in which case a Member shall be given for each such fractional part.

24. The number of Members may at any time be increased by the General Parliament, regard being had to the proportionate rights then existing.

25. Until provisions are made by the General Parliament, all the Laws which at the date of the Proclamation constituting the Union are in force in the Province respectively, relating to the qualification and disqualification of any person to be elected, or to sit or vote as a Member of the Assembly in the said Province respectively, and relating to the qualification or disqualification of voters, and to the oaths to be taken by voters, and to Returning Officers, and their powers and duties; and relating to the proceedings at Elections, and to the period during which such Elections may be continued; and relating to the trial of Controverted Elections, and the proceedings incident thereto; and relating to the vacating of seats of Members, and to the issuing and execution of new Writs in case of any seat being vacated otherwise than by a dissolution, shall respectively apply to Elections of Members to serve in the House of Commons for places situate in those Provinces respectively.

26. Every House of Commons shall continue for five years from the day of the return of the Writs choosing the same, and no longer; subject, nevertheless, to be sooner prorogued or dissolved by the Governor General.

27. There shall be a Session of the General Parliament once at least in every year, so that a period of twelve calendar months shall not intervene between the last sitting of the General Parliament in one Session and the first sitting thereof in the next Session.

28. The General Parliament shall have power to make Laws for the peace, welfare and good government of the Confederation, (saving the Sovereignty of England,) and especially Laws respecting the following subjects:—

1. The Public Debt and Property.
2. The regulation of Trade and Commerce.
3. The raising of Money by all or any mode or system of taxation.
4. The borrowing of Money on the Public Credit.
5. Postal Service.
6. Lines of Steam and other Ships, Railways, Canals, and other works connecting any two or more of the Provinces together, or extending beyond the limits of any Province.
7. Lines of Steamships between the Confederated Provinces and other Countries.
8. Telegraphic communication and the incorporation of Telegraph Companies.
9. All such works as shall, although lying wholly within any Province, be specially declared by the Acts authorizing them to be for the general advantage.

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10. The Census and Statistics.
 11. Militia, Military and Naval Service, and Defence.
 12. Beacons, Buoys, Light Houses, and Sable Island.
 13. Navigation and Shipping.
 14. Quarantine.
 15. Sea Coast and Inland Fisheries.
 16. Ferries between any Province and a Foreign Country, or between any two Provinces.
 17. Currency and Coinage.
 18. Banking, incorporation of Banks, and the issue of Paper Money.
 19. Savings Banks.
 20. Weights and Measures.
 21. Bills of Exchange and Promissory Notes.
 22. Interest.
 23. Legal Tender.
 24. Bankruptcy and Insolvency.
 25. Patents of Invention and Discovery.
 26. Copyrights.
 27. Indians, and Lands reserved for the Indians.
 28. Naturalization and Aliens.
 29. Marriage and Divorce.
 30. The Criminal Law, excepting the Constitution of Courts of Criminal Jurisdiction, but including the procedure in criminal matters.
 31. The establishment, maintenance, and management of Penitentiaries.
 32. Rendering uniform all or any of the Laws relative to property and civil rights in Upper Canada, Nova Scotia, and New Brunswick, and rendering uniform the procedure of all or any of the Courts in these Provinces; but any Statute for this purpose shall have no force or authority in any Province until sanctioned by the Legislature thereof; and the power of repealing, amending or altering such Laws shall thenceforward remain with the General Parliament only.
 33. The establishment of a General Court of Appeal for the Confederation.
 34. Immigration.
 35. Agriculture.
 36. And generally respecting all matters of a general character not specially and exclusively reserved for the Local Legislatures.
29. The General Government and Parliament shall have all powers necessary or proper for performing the obligations of the Confederation, as part of the British Empire, to Foreign Countries, arising under Treaties between Great Britain and such Countries.
30. The powers and privileges of the House of Commons of the United Kingdom of Great Britain and Ireland shall be held to appertain to the House of Commons of the Confederation, and the powers and privileges appertaining to the House of Lords in its Legislative capacity shall be held to appertain to the Legislative Council.
31. The General Parliament may from time to time establish additional Courts, and the General Government may appoint Judges and Officers thereof, when the same shall appear necessary or for the public advantage, in order to the due execution of the Laws of such Parliament.
32. All Courts, Judges and Officers of the several Provinces shall aid, assist and obey the General Government in the exercise of its rights and powers, and for such purposes shall be held to be Courts, Judges and Officers of the General Government.

33. The General Government shall appoint and pay the salaries of the Judges of the Superior and District and County Courts in each Province, and Parliament shall fix their salaries.

34. Until the consolidation of the Laws of Upper Canada, Nova Scotia, and New Brunswick, the Judges of these Provinces, appointed by the General Government, shall be selected from their respective Bars.

35. The Judges of the Courts of Lower Canada shall be selected from the Bar of Lower Canada.

36. The Judges of the Court of Admiralty shall be paid by the General Government.

37. The Judges of the Superior Courts shall hold their offices during good behaviour, and shall be removable on the Address of both Houses of Parliament.

38. For each of the Provinces there shall be an Executive Officer styled the Governor, who shall be appointed by the Governor General in Council, under the Great Seal of the Confederation, during pleasure; such pleasure not to be exercised before the expiration of the first five years, except for cause, such cause to be communicated in writing to the Governor immediately after the exercise of the pleasure as aforesaid, and also by Message to both Houses of Parliament within the first week of the first Session afterwards; but the appointment of the first Governors shall be provisional, and they shall hold office strictly during pleasure.

39. The Governor of each Province shall be paid by the General Government.

40. The Local Government and Legislature of each Province shall be constructed in such manner as the Legislature of each such Province shall provide.

41. The Local Legislature shall have power to make Laws respecting the following subjects:—

1. The altering or amending their Constitution from time to time.
2. Direct taxation, and in the case of New Brunswick, the right of levying Timber Dues by the mode and to the extent now established by Law, provided such Timber be not the produce of the other Provinces.
3. Borrowing money on the credit of the Province.
4. The establishment and tenure of local offices, and the appointment and payment of local officers.
5. Agriculture.
6. Immigration.
7. Education, saving the rights and privileges which the Protestant or Catholic minority in any Province may have by Laws as to Denominational Schools at the time when the Union goes into operation. And in any Province where a system of separate or dissentient Schools by Law obtains, or where the Local Legislature may hereafter adopt a system of separate or dissentient Schools, an appeal shall lie to the Governor General in Council of the General Government from the acts and decisions of the local authorities, which may affect the rights or privileges of the Protestant or Catholic minority in the matter of education. And the General Parliament shall have power in the last resort to legislate on the subject.
8. The sale and management of Public Lands, excepting Lands belonging to the General Government.
9. The establishment, maintenance and management of Public and Reformatory Prisons.

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10. The establishment, maintenance and management of Hospitals, Asylums, Charities, and Eleemosynary Institutions, except Marine Hospitals.
11. Municipal Institutions.
12. Shop, Saloon, Tavern, Auctioneer, and other Licenses, for local revenue.
13. Local Works.
14. The incorporation of private or local Companies, except such as relate to matters assigned to the General Parliament.
15. Property and civil rights, (including the solemnization of Marriage,) excepting portions thereof assigned to the General Parliament.
16. Inflicting punishment by fine, penalties, imprisonment, or otherwise, for the breach of Laws passed in relation to any subject within their jurisdiction.
17. The Administration of Justice, including the constitution, maintenance, and organization of the Courts, both of Civil and Criminal jurisdiction, and including also the procedure in civil matters.
18. And generally all matters of a private or local nature not assigned to the General Parliament.
42. All the powers, privileges and duties conferred and imposed upon Catholic separate Schools and School Trustees in Upper Canada, shall be extended to the Protestant and Catholic Dissident Schools in Lower Canada.
43. The power of respiting, reprieving, and pardoning prisoners convicted of crimes, and of commuting and remitting of sentences, in whole or in part, which belongs of right to the Crown, shall, except in capital cases, be administered by the Governor of each Province in Council, subject to any instructions he may from time to time receive from the General Government, and subject to any provisions that may be made in this behalf by the General Parliament.
44. In regard to all subjects over which jurisdiction belongs to both the General and Local Legislatures, the Laws of the General Parliament shall control and supersede those made by the Local Legislature, and the latter shall be void so far as they are repugnant to or inconsistent with the former.
45. Both the English and French languages may be employed in the General Parliament, and in its proceedings, and in the Local Legislature of Lower Canada, and also in the Federal Courts, and in the Courts of Lower Canada.
46. No lands or property belonging to the General or Local Governments shall be liable to taxation.
47. All Bills for appropriating any part of the Public Revenue, or for imposing any tax or impost, shall originate in the House of Commons or House of Assembly, as the case may be.
48. The House of Commons or House of Assembly shall not originate or pass any Vote, Resolution, Address or Bill for the appropriation of any part of the Public Revenue, or of any tax or impost to any purpose not first recommended by Message of the Governor General or the Governor, as the case may be, during the Session in which such Vote, Resolution, Address or Bill is passed.
49. Any Bill of the General Parliament may be reserved in the usual manner for Her Majesty's assent, and any Bill of the Local Legislatures may, in like manner, be reserved for the consideration of the Governor General.
50. Any Bill passed by the General Parliament shall be subject to disallowance by Her Majesty within two years, as in the case of Bills passed by

the Legislatures of the said Provinces hitherto ; and in like manner any Bill passed by a Local Legislature shall be subject to disallowance by the Governor General within one year after the passing thereof.

51. The Seat of Government of the Confederation shall be Ottawa, subject to the Royal Prerogative.

52. Subject to any future action of the respective Local Governments, the Seat of the Local Governments in Upper Canada shall be Toronto; of Lower Canada, Quebec, and the Seats of the Local Governments in the other Provinces shall be as at present.

53. All Stocks, Cash, Bankers' balances, and securities for money belonging to each Province at the time of the Union, except as hereinafter mentioned, shall belong to the General Government.

54. The following Public Works and property of each Province shall belong to the General Government, to wit:—

1. Canals.
2. Public Harbours.
3. Light Houses and Piers, and Sable Island.
4. Steamboats, Dredges, and Public Vessels.
5. Rivers and Lake improvements.
6. Railways and Railway Stocks, Mortgages, and other debts due by Railway Companies.
7. Military Roads.
8. Custom Houses, Post Offices, and all other Public Buildings, except such as may be set aside by the General Government for the use of the Local Legislatures and Governments.
9. Property transferred by the Imperial Government and known as Ordnance Property.
10. Armories, Drill sheds, Military clothing, and munitions of war ; and Lands set apart for general public purposes.

55. All Lands, Mines, Minerals and Royalties vested in Her Majesty, in the Provinces of Upper Canada, Lower Canada, Nova Scotia, and New Brunswick, for the use of such Provinces, shall belong to the Local Government of the territory in which the same are so situate, subject to any trusts that may exist in respect to any of such Lands, or to any interest of other persons in respect to the same.

56. All sums due from purchasers or le-sees of such Lands, Mines or Minerals, at the time of the Union, shall also belong to the Local Government.

57. All assets connected with such portions of the Public Debt of any Province as are assumed by the Local Governments, shall also belong to those Governments respectively.

58. The several Provinces shall retain all other public property therein, subject to the right of the General Government to assume any lands or public property required for fortifications or the defence of the country.

59. The General Government shall assume the debts and liabilities of each Province.

60. The debt of Canada, not specially assumed by Upper and Lower Canada respectively, shall not exceed at the time of the Union \$62,500,000. Nova Scotia shall enter the Union with a debt not exceeding \$8,000,000; and New Brunswick with a debt not exceeding \$7,000,000. But this stipulation is in no respect intended to limit the powers given to the respective Governments of those Provinces by Legislative authority, but only to determine the maximum amount of charge to be assumed by the General Government.

61. In case Nova Scotia or New Brunswick should not have contracted debts at the date of the Union equal to the amount with which they are respectively entitled to enter the Confederation, they shall receive, by half-yearly payment, in advance from the General Government, the interest at five per cent. on the difference between the actual amount of their respective debts and such stipulated amounts.

62. In consideration of the transfer to the General Parliament of the powers of taxation, the following sums shall be paid by the General Government to each Province, for the support of their Local Governments and Legislatures:—

Upper Canada,.....	\$80,000
Lower Canada,.....	70,000
Nova Scotia,.....	60,000
New Brunswick,.....	50,000
	\$260,000

And an annual grant in aid of each Province shall be made, equal to 80 cents per head of the population, as established by the Census of 1861; and in the case of Nova Scotia and New Brunswick by each subsequent decennial Census, until the population of each of those Provinces shall amount to 400,000 souls, at which rate it shall thereafter remain. Such aid shall be in full settlement of all future demands upon the General Government for local purposes, and shall be paid half-yearly in advance, to each Province; but the General Government shall deduct from such subsidy all sums paid as interest on the public debt of any Province in excess of the amount provided under the 60th Resolution.

63. The position of New Brunswick being such as to entail large immediate charges upon her local revenues, it is agreed that for the period of ten years from the time when the Union takes effect, an additional allowance of \$63,000 per annum shall be made to that Province; but that so long as the liability of that Province remains under \$7,000,000, a deduction equal to the interest on such deficiency shall be made from the \$63,000.

64. All engagements that may before the Union be entered into with the Imperial Government for the defence of the Country shall be assumed by the General Government.

65. The construction of the Inter-Colonial Railway being essential to the consolidation of the Union of British North America, and to the assent of the Maritime Provinces thereto, it is agreed that provision be made for its immediate construction by the General Government, and that the Imperial guarantee for £3,000,000 Sterling, pledged for this work, be applied thereto, so soon as the necessary authority has been obtained from the Imperial Parliament.

66. The communication with the North Western Territory, and the improvements required for the development of the Trade of the Great West with the Seaboard, are regarded by this Conference as subjects of the highest importance to the Confederation, and shall be prosecuted at the earliest possible period that the state of the finances will permit.

67. The sanction of the Imperial Parliament shall be sought for the Union of the Provinces on the principles adopted by this Conference.

68. That Her Majesty the Queen be solicited to determine the rank and name of the Confederation.

69. That a copy of these Resolutions, signed by the Chairman and Secretary of the Conference, be submitted to the Right Honorable the Secretary of State for the Colonies.

(Signed)

JOHN A. MACDONALD, *Chairman.*
H. BERNARD, *Secretary.*

On the 24th of January a lengthened interview took place at the residence of Lord Carnarvon, between the Members of the Conference and His Lordship, together with the Right Honorable C. B. Adderley, Sir Frederick Rogers, and Lord Monck. At this, and subsequent interviews, the prominent points in the Bills which had been in the meantime prepared by the Conference and Her Majesty's Government, were discussed at length, until the following Bill was finally agreed upon :—

BRITISH NORTH AMERICA BILL.

ARRANGEMENT OF CLAUSES.

I. PRELIMINARY.

Clause.

1. Short Title.
2. Application of Provisions referring to the Queen.

II. UNION.

3. Declaration of Union.
4. Construction of subsequent Provisions of Act.
5. Four Provinces.
6. Provinces of Ontario and Quebec.
7. Provinces of Nova Scotia and New Brunswick.
8. Decennial Census.

III. EXECUTIVE POWER.

9. Declaration of Executive Power in the Queen.
10. Application of Provisions referring to Governor General.
11. Constitution of Privy Council.
12. Powers to be exercised by Governor General with advice or alone.
13. Application of provisions referring to Governor General in Council.
14. Appointment of Deputies by Governor General.
15. Command of Armed Forces.
16. Seat of Government of Canada.

IV. LEGISLATIVE POWER.

17. Constitution of Parliament of Canada.
18. Privileges, &c. of Houses.
19. First Session of the Parliament.
20. Yearly Session of the Parliament.

THE SENATE.

21. Number of Senators.
22. Representation of Provinces in Senate.
23. Qualifications of Senators.
24. Summons of Senators.
25. Summons of First Body of Senators.
26. Addition of Senators in certain cases.
27. Reduction of Senate to normal number.
28. Maximum number of Senators.
29. Tenure of place in Senate.

Clause.

30. Resignation of place.
31. Disqualification of Senators.
32. Summons on vacancy.
33. Questions as to vacancies, &c.
34. Speaker of Senate.
35. Quorum of Senate.
36. Voting in Senate.

THE HOUSE OF COMMONS.

37. Constitution of House of Commons.
38. Summoning of House of Commons.
39. Exclusion of Senators.
40. Electoral Districts of the Four Provinces:—
 1. ONTARIO.
 2. QUEBEC.
 3. NOVA SCOTIA.
 4. NEW BRUNSWICK.
41. Continuance of existing Election Laws.
42. Writs for First Election.
43. Casual Vacancies.
44. Speaker of House of Commons.
45. Vacancy in office of Speaker.
46. Speaker to preside.
47. Provision for absence of Speaker.
48. Quorum of House of Commons.
49. Voting in the House of Commons.
50. Duration of House of Commons.
51. Decennial re-adjustment of Representation.
52. Increase of number of House of Commons.

MONEY VOTES—ROYAL ASSENT.

53. Appropriation and Tax Bills.
54. Recommendation of Money Votes.
55. Royal Assent to Bills, &c.
56. Disallowance by Order in Council of Act assented to by Governor General.
57. Signification of Pleasure on Bill reserved.

V. PROVINCIAL CONSTITUTIONS.

EXECUTIVE POWER.

58. Lieutenant Governors of Provinces.
59. Tenure of office of Lieutenant Governor.
60. Salaries of Lieutenant Governors.
61. Oaths, &c. of Lieutenant Governors.
62. Application of Provisions referring to Lieutenant Governors.
63. Executive Councils of Ontario and Quebec.
64. Executive Government of Nova Scotia and New Brunswick.
65. Powers to be exercised, by Lieutenant Governor of Ontario or Quebec, with advice or alone.
66. Application of Provisions referring to Lieutenant Governor in Council.
67. Administration in absence, &c. of Lieutenant Governor.
68. Seats of Provincial Governments.

LEGISLATURES OF PROVINCES.

1. ONTARIO.

Clause.

69. Legislature for Ontario.

70. Electoral Districts.

2. QUEBEC.

71. Legislature for Quebec.

72. Constitution of Legislative Council.

73. Qualification of Legislative Councillors.

74. Disqualification of Legislative Councillors.

75. Vacancies.

76. Questions as to Vacancies, &c.

77. Speaker of Legislative Council.

78. Quorum of Legislative Council.

79. Voting in Legislative Council of Quebec.

80. Constitution of Legislative Assembly of Quebec.

3. ONTARIO AND QUEBEC.

81. First Session of Legislatures.

82. Summoning of Legislative Assemblies.

83. Restriction on Election of holders of Office.

84. Continuance of existing Election Laws.

85. Duration of Legislative Assemblies.

86. Yearly Session of Legislature.

87. Speaker, Quorum, &c.

4. NOVA SCOTIA AND NEW BRUNSWICK.

88. Constitutions of Nova Scotia and New Brunswick.

5. ONTARIO, QUEBEC, AND NOVA SCOTIA.

89. First Elections.

6. THE FOUR PROVINCES.

90. Application to Legislatures of Provisions respecting Money Votes, &c.

VI. DISTRIBUTION OF LEGISLATIVE POWERS.

POWERS OF THE PARLIAMENT.

91. Legislative authority of Parliament of Canada.

EXCLUSIVE POWERS OF PROVINCIAL LEGISLATURES.

92. Subjects of exclusive Provincial Legislation.

EDUCATION.

93. Legislation respecting Education.

UNIFORMITY OF LAWS IN ONTARIO, NOVA SCOTIA, AND NEW BRUNSWICK.

94. Legislation for uniformity of Laws in three Provinces.

AGRICULTURE—IMMIGRATION—PUBLIC WORKS.

95. Concurrent powers of Legislation respecting Agriculture, &c.

VII. JUDICATURE.

96. Appointment of Judges.

97. Selection of Judges in Ontario, &c.

98. Selection of Judges in Quebec.

Clause.

- 99. Tenure of office of Judges of Superior Courts.
- 100. Salaries, &c. of Judges.
- 101. General Court of Appeal, &c.

VIII. REVENUES—DEBTS—ASSETS—TAXATION.

- 102. Creation of Consolidated Revenue Fund.
- 103. Expenses of Collection, &c.
- 104. Interest of Provincial Public Debts.
- 105. Salary of Governor General.
- 106. Appropriation from time to time.
- 107. Transfer of Stocks, &c.
- 108. Transfer of Property in Schedule.
- 109. Property in Lands, Mines, &c.
- 110. Assets connected with Provincial Debts.
- 111. Assumption of Provincial Debts.
- 112. Debts of Ontario and Quebec.
- 113. Assets of Ontario and Quebec.
- 114. Debt of Nova Scotia.
- 115. Debt of New Brunswick.
- 116. Payment of Interest to Nova Scotia and New Brunswick.
- 117. Provincial Public Property.
- 118. Grants to Provinces.
- 119. Further Grant to New Brunswick.
- 120. Form of Payments.
- 121. Canadian Manufactures, &c.
- 122. Continuance of Customs and Excise Laws.
- 123. Exportation and Importation as between two Provinces.
- 124. Lumber Dues in New Brunswick.
- 125. Exemption of Public Lands, &c.
- 126. Provincial Consolidated Revenue Fund.

IX. MISCELLANEOUS PROVISIONS.

GENERAL.

- 127. Legislative Councillors of Provinces becoming Senators.
- 128. Oath of Allegiance, &c.
- 129. Continuance of existing Laws, Courts, Offices, &c.
- 130. Transfer of Officers to Canada.
- 131. Appointment of new Officers.
- 132. Treaty Obligations.
- 133. Use of English and French Languages.

ONTARIO AND QUEBEC.

- 134. Appointment of Executive Officers for Ontario and Quebec.
- 135. Powers, Duties, &c. of Executive Officers.
- 136. Great Seals.
- 137. Construction of temporary Acts.
- 138. Errors in Names.
- 139. Proclamations commencing after Union.
- 140. Issue of Proclamations after Union.
- 141. Penitentiary.
- 142. Arbitration respecting Debts, &c.
- 143. Division of Records, &c.
- 144. Constitution of Townships in Quebec.

X. INTER-COLONIAL RAILWAY.

Clause.

145. Duty of Government of Canada to make Railway.

XI. ADMISSION OF OTHER COLONIES.

146. Power to admit Newfoundland, &c.

147. Representation of Newfoundland and Prince Edward Island in Senate.

Several conferences between the Imperial Government and the Delegates resulted in the adoption of the following Bill, which was subsequently passed by Parliament and received Her Majesty's assent; the only change made was the introduction of the word "Male" in the 41st and 84th Sections.

ANNO TRICESIMO VICTORIÆ REGINÆ.

CAP. III.

An Act for the Union of Canada, Nova Scotia, and New Brunswick, and the Government thereof, and for purposes connected therewith.

[29th March, 1867.]

Whereas the Provinces of Canada, Nova Scotia, and New Brunswick, have expressed their desire to be federally united into one Dominion, under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in principle to that of the United Kingdom: And whereas such a Union would conduce to the welfare of the Provinces, and promote the interests of the British Empire: And whereas on the establishment of the Union, by the authority of Parliament, it is expedient, not only that the Constitution of the Legislative authority in the Dominion be provided for, but also that the nature of the Executive Government therein be declared: And whereas it is expedient that provision be made for the eventual admission into the Union of other parts of British North America:—

Be it therefore enacted and declared by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

I. PRELIMINARY.

1. This Act may be cited as "The British North America Act, 1867."
2. The provisions of this Act referring to Her Majesty the Queen, extend also to the Heirs and Successors of Her Majesty, Kings and Queens of the United Kingdom of Great Britain and Ireland.

II. UNION.

3. It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honorable Privy Council, to declare by Proclamation that, on and after a day therein appointed, not being more than six months after the passing of this Act, the Provinces of Canada, Nova Scotia, and New Brunswick, shall form and be one Dominion, under the name of Canada; and on and after that day those three Provinces shall form and be one Dominion under that name accordingly.

4. The subsequent provisions of this Act shall, unless it is otherwise expressed or implied, commence and have effect on and after the Union, that is to say, on and after the day appointed for the Union taking effect in the Queen's Proclamation; and in the

same provisions, unless it is otherwise expressed or implied, the name Canada shall be taken to mean Canada as constituted under this Act.

5. Canada shall be divided into four Provinces, named Ontario, Quebec, Nova Scotia, and New Brunswick.

6. The parts of the Province of Canada (as it exists at the passing of this Act) which formerly constituted respectively the Provinces of Upper Canada and Lower Canada, shall be deemed to be severed, and shall form two separate Provinces. The part which formerly constituted the Province of Upper Canada shall constitute the Province of Ontario; and the part which formerly constituted the Province of Lower Canada shall constitute the Province of Quebec.

7. The Provinces of Nova Scotia and New Brunswick shall have the same limits as at the passing of this Act.

8. In the general Census of the Population of Canada which is hereby required to be taken in the year one thousand eight hundred and seventy one, and in every tenth year thereafter, the respective Populations of the four Provinces shall be distinguished.

III. EXECUTIVE POWER.

9. The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen

10. The provisions of this Act referring to the Governor General, extend and apply to the Governor General for the time being of Canada, or other the Chief Executive Officer or Administrator for the time being, carrying on the Government of Canada on behalf and in the name of the Queen, by whatever title he is designated.

11. There shall be a Council to aid and advise in the Government of Canada, to be styled the Queen's Privy Council for Canada, and the persons who are to be Members of that Council shall be from time to time chosen and summoned by the Governor General and sworn in as Privy Councillors, and Members thereof may be from time to time removed by the Governor General.

12. All powers, authorities and functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, are at the Union vested in or exerciseable by the respective Governors or Lieutenant Governors of those Provinces, with the advice, or with the advice and consent, of the respective Executive Councils thereof, or in conjunction with those Councils, or with any number of Members thereof, or by those Governors or Lieutenant Governors individually, shall, as far as the same continue in existence and capable of being exercised after the Union in relation to the Government of Canada, be vested in and exerciseable by the Governor General, with the advice, or with the advice and consent of, or in conjunction with the Queen's Privy Council for Canada, or any Members thereof, or by the Governor General individually, as the case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland) to be abolished or altered by the Parliament of Canada.

13. The provisions of this Act referring to the Governor General in Council, shall be construed as referring to the Governor General acting by and with the advice of the Queen's Privy Council for Canada.

14. It shall be lawful for the Queen, if Her Majesty thinks fit, to authorize the Governor General from time to time to appoint any persons, or any persons jointly or severally, to be his Deputy or Deputies within any part or parts of Canada, and in that capacity to

exercise during the pleasure of the Governor General such of the powers, authorities and functions of the Governor General, as the Governor General deems it necessary or expedient to assign to him or them, subject to any Limitations or Directions expressed or given by the Queen ; but the appointment of such a Deputy or Deputies shall not affect the exercise by the Governor General himself of any power, authority or function.

15. The Command in Chief of the Land and Naval Militia, and of all Naval and Military Forces, of and in Canada, is hereby declared to continue and be vested in the Queen.

16. Until the Queen otherwise directs, the Seat of Government of Canada shall be Ottawa.

IV. LEGISLATIVE POWER.

17. There shall be one Parliament for Canada, consisting of the Queen, and Upper House styled the Senate, and the House of Commons.

18. The privileges, immunities and powers to be held, enjoyed and exercised by the Senate and by the House of Commons, and by the Members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the Members thereof.

19. The Parliament of Canada shall be called together not later than six months after the Union.

20. There shall be a Session of the Parliament of Canada once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one Session and its first sitting in the next Session.

THE SENATE.

21. The Senate shall, subject to the provisions of this Act, consist of seventy two Members, who shall be styled Senators.

22. In relation to the Constitution of the Senate, Canada shall be deemed to consist of three Divisions :

1. Ontario ;
2. Quebec ;
3. The Maritime Provinces Nova Scotia and New Brunswick ;

which three Divisions shall (subject to the provisions of this Act) be equally represented in the Senate as follows :—Ontario by twenty four Senators ; Quebec by twenty four Senators ; and the Maritime Provinces by twenty four Senators, twelve thereof representing Nova Scotia, and twelve thereof representing New Brunswick.

In the case of Quebec each of the twenty four Senators representing that Province shall be appointed for one of the twenty four Electoral Divisions of Lower Canada specified in Schedule A to Chapter one of the Consolidated Statutes of Canada.

23. The qualifications of a Senator shall be as follows :—

- (1.) He shall be of the full age of thirty years.
- (2.) He shall be either a natural born subject of the Queen, or a subject of the Queen naturalized by an Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of one of the Provinces of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, before the Union, or of the Parliament of Canada after the Union.
- (3.) He shall be legally or equitably seised as of freehold for his own use and benefit of Lands or Tenements held in free and common socage, or seised or possessed

for his own use and benefit of Lands or Tenements held in *Francellen* or Roture, within the Province for which he is appointed, of the value of four thousand dollars over and above all rents, dues, debts, charges, mortgages, and incumbrances due or payable out of or charged on or affecting the same.

- (4.) His real and personal property shall be together worth four thousand dollars over and above his debts and liabilities.
- (5.) He shall be resident in the Province for which he is appointed.
- (6.) In the case of Quebec, he shall have his real property qualification in the Electoral Division for which he is appointed, or shall be resident in that Division.

24. The Governor General shall from time to time, in the Queen's name, by Instrument under the Great Seal of Canada, summon qualified persons to the Senate; and, subject to the provisions of this Act, every person so summoned shall become and be a Member of the Senate and a Senator.

25. Such persons shall be first summoned to the Senate as the Queen by Warrant, under Her Majesty's Royal Sign Manual, thinks fit to approve, and their names shall be inserted in the Queen's Proclamation of Union.

26. If at any time, on the recommendation of the Governor General, the Queen thinks fit to direct that three or six Members be added to the Senate, the Governor General may by summons to three or six qualified persons (as the case may be) representing equally the three divisions of Canada, add to the Senate accordingly.

27. In case of such addition being at any time made, the Governor General shall not summon any person to the Senate except on a further like direction by the Queen on the like recommendation, until each of the three divisions of Canada is represented by twenty four Senators and no more.

28. The number of Senators shall not at any time exceed seventy eight.

29. A Senator shall, subject to the provisions of this Act, hold his place in the Senate for life.

30. A Senator may by writing under his hand, addressed to the Governor General, resign his place in the Senate, and thereupon the same shall be vacant.

31. The place of a Senator shall become vacant in any of the following cases:—

- (1.) If for two consecutive Sessions of the Parliament he fails to give his attendance in the Senate.
- (2.) If he takes an oath or makes a declaration or acknowledgment of allegiance, obedience or adherence to a Foreign Power, or does an act whereby he becomes a subject or citizen, or entitled to the rights or privileges of a subject or citizen, of a Foreign Power.
- (3.) If he is adjudged bankrupt or insolvent, or applies for the benefit of any Law relating to Insolvent Debtors, or becomes a public defaulter.
- (4.) If he is attainted of treason, or convicted of felony or of any infamous crime.
- (5.) If he ceases to be qualified in respect of property or of residence; provided that a Senator shall not be deemed to have ceased to be qualified in respect of residence by reason only of his residing at the Seat of the Government of Canada while holding an office under that Government requiring his presence there.

32. When a vacancy happens in the Senate by resignation, death, or otherwise, the Governor General shall, by summons to a fit and qualified person, fill the vacancy.

33. If any question arises respecting the qualification of a Senator, or a vacancy in the Senate, the same shall be heard and determined by the Senate.

34. The Governor General may from time to time, by Instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his stead.

35. Until the Parliament of Canada otherwise provides, the presence of at least fifteen Senators, including the Speaker, shall be necessary to constitute a Meeting of the Senate for the exercise of its powers.

36. Questions arising in the Senate shall be decided by a majority of voices, and the Speaker shall in all cases have a vote, and when the voices are equal the decision shall be deemed to be in the negative.

THE HOUSE OF COMMONS.

37. The House of Commons shall, subject to the provisions of this Act, consist of one hundred and eighty one Members, of whom eighty two shall be elected for Ontario, sixty five for Quebec, nineteen for Nova Scotia, and fifteen for New Brunswick.

38. The Governor General shall from time to time in the Queen's name, by Instrument under the Great Seal of Canada, summon and call together the House of Commons.

39. A Senator shall not be capable of being elected or of sitting or voting as a Member of the House of Commons.

40. Until the Parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia, and New Brunswick, shall, for the purposes of the Election of Members to serve in the House of Commons, be divided into Electoral Districts as follows:—

1. ONTARIO.

Ontario shall be divided into the Counties, Ridings of Counties, Cities, parts of Cities, and Towns, enumerated in the First Schedule to this Act, each whereof shall be an Electoral District, each such District as numbered in that Schedule being entitled to return one Member.

2. QUEBEC.

Quebec shall be divided into sixty five Electoral Districts, composed of the sixty five Electoral Divisions into which Lower Canada is at the passing of this Act divided under Chapter two of the Consolidated Statutes of Canada, Chapter seventy five of the Consolidated Statutes of Lower Canada, and the Act of the Province of Canada of the twenty third year of the Queen, Chapter one, or any other Act amending the same, in force at the Union, so that each such Electoral Division shall be for the purposes of this Act an Electoral District entitled to return one Member.

3. NOVA SCOTIA.

Each of the eighteen Counties of Nova Scotia shall be an Electoral District. The County of Halifax shall be entitled to return two Members, and each of the other Counties one Member.

4. NEW BRUNSWICK.

Each of the fourteen Counties into which New Brunswick is divided, including the City and County of Saint John, shall be an Electoral District. The City of Saint John shall also be a separate Electoral District. Each of those fifteen Electoral Districts shall be entitled to return one Member.

41. Until the Parliament of Canada otherwise provides, all Laws in force in the several Provinces at the Union relative to the following matters, or any of them, namely:—The qualifications and disqualifications of persons to be elected or to sit or vote as Members of the House of Assembly or Legislative Assembly in the several Provinces, the voters at Elections of such Members, the oaths to be taken by voters, the Returning Officers,

their powers and duties, the proceedings at Elections, the periods during which Elections may be continued, the trial of Controverted Elections, and proceedings incident thereto, the vacating of seats of Members, and the execution of new Writs in case of seats vacated otherwise than by dissolution, shall respectively apply to Elections of Members to serve in the House of Commons for the same several Provinces; provided that, until the Parliament of Canada otherwise provides, at any election for a Member of the House of Commons for the District of Algoma, in addition to persons qualified by the Laws of the Province of Canada to vote, every male British subject, aged twenty one years or upwards, being a householder, shall have a vote.

42. For the first Election of Members to serve in the House of Commons, the Governor General shall cause Writs to be issued by such person, in such form, and addressed to such Returning Officers, as he thinks fit.

The person issuing Writs under this Section shall have the like powers as are possessed at the Union by the Officers charged with the issuing of Writs for the Election of Members to serve in the respective House of Assembly or Legislative Assembly of the Province of Canada, Nova Scotia, or New Brunswick; and the Returning Officers to whom Writs are directed under this Section, shall have the like powers as are possessed at the Union by the Officers charged with the returning of Writs for the Election of Members to serve in the same respective House of Assembly or Legislative Assembly.

43. In case a vacancy in the Representation in the House of Commons of any Electoral District happens before the meeting of the Parliament, or after the meeting of the Parliament before provision is made by the Parliament in this behalf, the provisions of the last foregoing Section of this Act shall extend and apply to the issuing and returning of a Writ in respect of such vacant District.

44. The House of Commons on its first assembling after a General Election, shall proceed with all practicable speed to elect one of its Members to be Speaker.

45. In case of a vacancy happening in the office of Speaker by death, resignation, or otherwise, the House of Commons shall, with all practicable speed, proceed to elect another of its Members to be Speaker.

46. The Speaker shall preside at all meetings of the House of Commons.

47. Until the Parliament of Canada otherwise provides, in case of the absence, for any reason, of the Speaker from the Chair of the House of Commons, for a period of forty eight consecutive hours, the House may elect another of its Members to act as Speaker; and the Member so elected shall, during the continuance of such absence of the Speaker, have and execute all the powers, privileges and duties of Speaker.

48. The presence of at least twenty Members of the House of Commons shall be necessary to constitute a meeting of the House for the exercise of its powers, and for that purpose the Speaker shall be reckoned as a Member.

49. Questions arising in the House of Commons shall be decided by a majority of voices other than that of the Speaker, and when the voices are equal, but not otherwise, the Speaker shall have a vote.

50. Every House of Commons shall continue for five years from the day of the return of the Writs for choosing the House, (subject to be sooner dissolved by the Governor General,) and no longer.

51. On the completion of the Census in the year one thousand eight hundred and seventy one, and of each subsequent decennial Census, the Representation of the four Provinces shall be re-adjusted by such authority, in such manner, and from such time, as the Parliament of Canada from time to time provides, subject and according to the following Rules :—

- (1.) Quebec shall have the fixed number of sixty five Members.
- (2.) There shall be assigned to each of the other Provinces such a number of Members as will bear the same proportion to the number of its population, (ascertained at such Census) as the number sixty five bears to the number of the population of Quebec, (so ascertained.)
- (3.) In the computation of the number of Members for a Province, a fractional part not exceeding one-half of the whole number requisite for entitling the Province to a Member, shall be disregarded; but a fractional part exceeding one-half of that number shall be equivalent to the whole number.
- (4.) On any such re-adjustment, the number of Members for a Province shall not be reduced, unless the proportion which the number of the population of the Province bore to the number of the aggregate population of Canada at the then last preceding re-adjustment of the number of Members for the Province, is ascertained at the then latest Census to be diminished by one-twentieth part or upwards.
- (5.) Such re-adjustment shall not take effect until the termination of the then existing Parliament.

52. The number of Members of the House of Commons may be from time to time increased by the Parliament of Canada, provided proportionate Representation of the Provinces prescribed by this Act is not thereby disturbed.

MONEY VOTES—ROYAL ASSENT.

53. Bills for appropriating any part of the Public Revenue, or for imposing any Tax or Impost, shall originate in the House of Commons.

54. It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill, for the appropriation of any part of the Public Revenue, or of any Tax or Impost, to any purpose that has not been first recommended to that House by Message of the Governor General in the Session in which such Vote, Resolution, Address or Bill is proposed.

55. Where a Bill passed by the Houses of the Parliament is presented to the Governor General for the Queen's assent, he shall declare, according to his discretion, but subject to the provisions of this Act and to Her Majesty's Instructions, either that he assents thereto in the Queen's name, or that he withholds the Queen's assent, or that he reserves the Bill for the signification of the Queen's pleasure.

56. Where the Governor General assents to a Bill in the Queen's name, he shall, by the first convenient opportunity, send an authentic copy of the Act to one of Her Majesty's Principal Secretaries of State; and if the Queen in Council, within two years after the receipt thereof by the Secretary of State, thinks fit to disallow the Act, such disallowance (with a Certificate of the Secretary of State of the day on which the Act was received by him) being signified by the Governor General, by Speech or Message, to each of the Houses of the Parliament, or by Proclamation, shall annul the Act from and after the day of such signification.

57. A Bill reserved for the signification of the Queen's pleasure, shall not have any force unless and until within two years from the day on which it was presented to the Governor General for the Queen's assent, the Governor General signifies by Speech or Message to each of the Houses of the Parliament, or by Proclamation, that it has received the assent of the Queen in Council: An entry of every such Speech, Message, or Proclamation, shall be made in the Journal of each House, and a duplicate thereof, duly attested, shall be delivered to the proper Officer, to be kept among the Records of Canada.

V. PROVINCIAL CONSTITUTIONS.

EXECUTIVE POWER.

58. For each Province there shall be an Officer, styled the Lieutenant Governor, appointed by the Governor General in Council by Instrument under the Great Seal of Canada.

59. A Lieutenant Governor shall hold office during the pleasure of the Governor General; but any Lieutenant Governor appointed after the commencement of the first Session of the Parliament of Canada, shall not be removeable within five years from his appointment, except for cause assigned, which shall be communicated to him in writing within one month after the order for his removal is made, and shall be communicated by Message to the Senate and to the House of Commons within one week thereafter if the Parliament is then sitting, and if not, then within one week after the commencement of the next Session of the Parliament.

60. The salaries of the Lieutenant Governors shall be fixed and provided by the Parliament of Canada.

61. Every Lieutenant Governor shall, before assuming the duties of his office, make and subscribe before the Governor General, or some person authorized by him, oaths of allegiance and office similar to those taken by the Governor General.

62. The provisions of this Act referring to the Lieutenant Governor, extend and apply to the Lieutenant Governor for the time being of each Province, or other the Chief Executive Officer or Administrator for the time being carrying on the Government of the Province, by whatever title he is designated.

63. The Executive Council of Ontario and of Quebec shall be composed of such persons as the Lieutenant Governor from time to time thinks fit, and in the first instance of the following Officers, namely: the Attorney General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, and the Commissioner of Agriculture and Public Works, with, in Quebec, the Speaker of the Legislative Council, and the Solicitor General.

64. The Constitution of the Executive Authority in each of the Provinces of Nova Scotia and New Brunswick shall, subject to the provisions of this Act, continue as it exists at the Union, until altered under the authority of this Act.

65. All powers, authorities and functions which, under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, or Canada, were or are before or at the Union vested in or exerciseable by the respective Governors or Lieutenant Governors of those Provinces, with the advice or with the advice and consent of the respective Executive Councils thereof, or in conjunction with those Councils, or with any number of Members thereof, or by those Governors or Lieutenant Governors individually, shall, as far as the same are capable of being exercised after the Union in relation to the Government of Ontario and Quebec respectively, be vested in and shall or may be exercised by the Lieutenant Governor of Ontario and Quebec respectively, with the advice or with the advice and consent of, or in conjunction with the respective Executive Councils, or any Members thereof, or by the Lieutenant Governor individually, as the case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland,) to be abolished or altered by the respective Legislatures of Ontario and Quebec.

66. The provisions of this Act referring to the Lieutenant Governor in Council shall be construed as referring to the Lieutenant Governor of the Province acting by and with the advice of the Executive Council thereof.

67. The Governor General in Council may, from time to time, appoint an Administrator to execute the office and functions of Lieutenant Governor during his absence, illness, or other inability.

68. Unless and until the Executive Government of any Province otherwise directs with respect to that Province, the Seats of Government of the Provinces shall be as follows, namely—of Ontario, the City of Toronto; of Quebec, the City of Quebec; of Nova Scotia, the City of Halifax; and of New Brunswick, the City of Fredericton.

LEGISLATIVE POWER.

1. ONTARIO.

69. There shall be a Legislature for Ontario, consisting of the Lieutenant Governor and of one House, styled the Legislative Assembly of Ontario.

70. The Legislative Assembly of Ontario shall be composed of eighty two Members, to be elected to represent the eighty two Electoral Districts set forth in the first Schedule to this Act.

2. QUEBEC.

71. There shall be a Legislature for Quebec, consisting of the Lieutenant Governor and of two Houses, styled the Legislative Council of Quebec and the Legislative Assembly of Quebec.

72. The Legislative Council of Quebec shall be composed of twenty four Members, to be appointed by the Lieutenant Governor, in the Queen's name, by Instrument under the Great Seal of Quebec, one being appointed to represent each of the twenty four Electoral Divisions of Lower Canada in this Act referred to, and each holding office for the term of his life, unless the Legislature of Quebec otherwise provides under the provisions of this Act.

73. The qualifications of the Legislative Councillors of Quebec shall be the same as those of the Senators for Quebec.

74. The place of a Legislative Councillor of Quebec shall become vacant in the cases, *mutatis mutandis*, in which the place of Senator becomes vacant.

75. When a vacancy happens in the Legislative Council of Quebec by resignation, death, or otherwise, the Lieutenant Governor, in the Queen's name, by Instrument under the Great Seal of Quebec, shall appoint a fit and qualified person to fill the vacancy.

76. If any question arises respecting the qualification of a Legislative Councillor of Quebec, or a vacancy in the Legislative Council of Quebec, the same shall be heard and determined by the Legislative Council.

77. The Lieutenant Governor may, from time to time, by Instrument under the Great Seal of Quebec, appoint a Member of the Legislative Council of Quebec to be Speaker thereof, and may remove him and appoint another in his stead.

78. Until the Legislature of Quebec otherwise provides, the presence of at least ten Members of the Legislative Council, including the Speaker, shall be necessary to constitute a meeting for the exercise of its powers.

79. Questions arising in the Legislative Council of Quebec shall be decided by a majority of voices, and the Speaker shall, in all cases, have a vote, and when the voices are equal, the decision shall be deemed to be in the negative.

80. The Legislative Assembly of Quebec shall be composed of sixty five Members, to be elected to represent the sixty five Electoral Divisions or Districts of Lower Canada in this Act referred to, subject to alteration thereof by the Legislature of Quebec; provided that it shall not be lawful to present to the Lieutenant Governor of Quebec for assent, any Bill for altering the limits of any of the Electoral Divisions or Districts mentioned in

the second Schedule to this Act, unless the second and third readings of such Bill have been passed in the Legislative Assembly, with the concurrence of the majority of the Members representing all those Electoral Divisions or Districts, and the assent shall not be given to such Bill unless an Address has been presented by the Legislative Assembly to the Lieutenant Governor, stating that it has been so passed.

3. ONTARIO AND QUEBEC.

81. The Legislatures of Ontario and Quebec respectively, shall be called together not later than six months after the Union.

82. The Lieutenant Governor of Ontario and of Quebec, shall, from time to time, in the Queen's name, by Instrument under the Great Seal of the Province, summon and call together the Legislative Assembly of the Province.

83. Until the Legislature of Ontario or of Quebec otherwise provides, a person accepting or holding in Ontario or in Quebec any office, commission, or employment, permanent or temporary, at the nomination of the Lieutenant Governor, to which an annual salary, or any fee, allowance, emolument, or profit of any kind, or amount whatever from the Province is attached, shall not be eligible as a Member of the Legislative Assembly of the respective Province, nor shall he sit or vote as such; but nothing in this Section shall make ineligible any person being a Member of the Executive Council of the respective Province, or holding any of the following offices, that is to say, the offices of Attorney General, Secretary and Registrar of the Province, Treasurer of the Province, Commissioner of Crown Lands, and Commissioner of Agriculture and Public Works, and in Quebec, Solicitor General, or shall disqualify him to sit or vote in the House for which he is elected, provided he is elected while holding such office.

84. Until the Legislatures of Ontario and Quebec respectively otherwise provide, all Laws which, at the Union, are in force in those Provinces respectively, relative to the following matters, or any of them, namely:—The qualifications and disqualifications of persons to be elected or to sit or vote as Members of the Assembly of Canada; the qualifications or disqualifications of Voters; the oaths to be taken by Voters; the Returning Officers, their powers and duties; the proceedings at Elections; the periods during which such Elections may be continued; and the trial of Controverted Elections, and the proceedings incident thereto; the vacating of the Seats of Members; and the issuing and execution of new Writs in case of Seats vacated otherwise than by dissolution,—shall respectively apply to Elections of Members to serve in the respective Legislative Assemblies of Ontario and Quebec; provided that, until the Legislature of Ontario otherwise provides, at any Election for a Member of the Legislative Assembly of Ontario for the District of Algoma, in addition to persons qualified by the Law of the Province of Canada to vote, every male British subject, aged twenty one years or upwards, being a householder, shall have a vote.

85. Every Legislative Assembly of Ontario, and every Legislative Assembly of Quebec, shall continue for four years from the day of the return of the Writs for choosing the same, (subject nevertheless to either the Legislative Assembly of Ontario, or the Legislative Assembly of Quebec, being sooner dissolved by the Lieutenant Governor of the Province,) and no longer.

86. There shall be a Session of the Legislature of Ontario and of that of Quebec once at least in every year, so that twelve months shall not intervene between the last sitting of the Legislature in each Province in one Session and its first sitting in the next Session.

87. The following provisions of this Act respecting the House of Commons of Canada, shall extend and apply to the Legislative Assemblies of Ontario and Quebec, that is to

say,—The provisions relating to the election of a Speaker originally and on vacancies, the duties of the Speaker, the absence of the Speaker, the quorum, and the mode of voting, as if those provisions were here re-enacted and made applicable in terms to each such Legislative Assembly.

4. NOVA SCOTIA AND NEW BRUNSWICK.

88. The Constitution of the Legislature of each of the Provinces of Nova Scotia and New Brunswick shall, subject to the provisions of this Act, continue as it exists at the Union, until altered under the authority of this Act; and the House of Assembly of New Brunswick existing at the passing of this Act shall, unless sooner dissolved, continue for the period for which it was elected.

5. ONTARIO, QUEBEC, AND NOVA SCOTIA.

89. Each of the Lieutenant Governors of Ontario, Quebec, and Nova Scotia, shall cause Writs to be issued for the first Election of Members of the Legislative Assembly thereof, in such form and by such person as he thinks fit, and at such time and addressed to such Returning Officer as the Governor General directs, and so that the first Election of Member of Assembly for any Electoral District, or any subdivision thereof, shall be held at the same time and at the same places as the Election for a Member to serve in the House of Commons of Canada for that Electoral District.

6. THE FOUR PROVINCES.

90. The following provisions of this Act respecting the Parliament of Canada, namely, —The provisions relating to Appropriation and Tax Bills, the recommendation of Money Votes, the assent to Bills, the disallowance of Acts, and the signification of pleasure on Bills reserved,—shall extend and apply to the Legislatures of the several Provinces, as if those provisions were here re-enacted and made applicable in terms to the respective Provinces and the Legislatures thereof, with the substitution of the Lieutenant Governor of the Province for the Governor General, of the Governor General for the Queen, and for a Secretary of State, of one year for two years, and of the Province for Canada.

VI. DISTRIBUTION OF LEGISLATIVE POWERS.

POWERS OF THE PARLIAMENT.

91. It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make Laws for the peace, order and good government of Canada, in relation to all matters not coming within the classes of the subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that (notwithstanding any thing in this Act) the exclusive Legislative authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated; that is to say,—

1. The Public Debt and Property.
2. The regulation of Trade and Commerce.
3. The raising of Money by any mode or system of taxation.
4. The borrowing of Money on the Public Credit.
5. Postal Service.
6. The Census and Statistics.
7. Militia, Military and Naval Service, and Defence.
8. The fixing of and providing for the Salaries and Allowances of Civil and other Officers of the Government of Canada.
9. Beacons, Buoys, Light Houses, and Sable Island.

10. Navigation and Shipping.
11. Quarantine, and the establishment and maintenance of Marine Hospitals.
12. Sea Coast and Inland Fisheries.
13. Ferries between a Province and any British or Foreign Country, or between two Provinces.
14. Currency and Coinage.
15. Banking, Incorporation of Banks, and the issue of Paper Money.
16. Savings Banks.
17. Weights and Measures
18. Bills of Exchange and Promissory Notes.
19. Interest.
20. Legal Tender.
21. Bankruptcy and Insolvency.
22. Patents of Invention and Discovery.
23. Copyrights.
24. Indians and Lands reserved for the Indians.
25. Naturalization and Aliens.
26. Marriage and Divorce.
27. The Criminal Law, except the Constitution of Courts of Criminal Jurisdiction, but including the procedure in criminal matters.
28. The establishment, maintenance, and management of Penitentiaries.
29. Such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.

And any matter coming within any of the classes of subjects enumerated in this Section, shall not be deemed to come within the class of matters of a local or private nature comprised in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.

EXCLUSIVE POWERS OF PROVINCIAL LEGISLATURES.

92. In each Province the Legislature may exclusively make Laws in relation to matters coming within the classes of subjects next hereinafter enumerated; that is to say,—

1. The amendment from time to time, notwithstanding any thing in this Act, of the Constitution of the Province, except as regards the office of Lieutenant Governor.
2. Direct Taxation within the Province in order to the raising of a Revenue for Provincial purposes.
3. The borrowing of Money on the sole credit of the Province.
4. The establishment and tenure of the Provincial Offices, and the appointment and payment of Provincial Officers.
5. The management and sale of the Public Lands belonging to the Province, and of the timber and wood thereon.
6. The establishment, maintenance and management of Public and Reformatory Prisons in and for the Province.
7. The establishment, maintenance and management of Hospitals, Asylums, Charities, Eleemosynary Institutions, in and for the Province, other than Marine Hospitals.
8. Municipal Institutions in the Province.
9. Shop, Saloon, Tavern, Auctioneer, and other Licenses, in order to the raising of a Revenue for Provincial, Local, or Municipal purposes.

10. Local works and undertakings other than such as are of the following classes :—
- a. Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province.
 - b. Lines of Steam Ships between the Province and any British or Foreign Country.
 - c. Such works as, although wholly situate within the Province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada, or for the advantage of two or more of the Provinces.
11. The incorporation of Companies with Provincial objects.
12. The Solemnization of Marriage in the Province.
13. Property and Civil Rights in the Province.
14. The Administration of Justice in the Province, including the constitution, maintenance and organization of Provincial Courts, both of Civil and Criminal Jurisdiction, and including procedure in Civil matters in those Courts.
15. The imposition of punishment by fine, penalty, or imprisonment, for enforcing any Law of the Province made in relation to any matter coming within any of the classes of subjects enumerated in this Section.
16. Generally all matters of a merely local or private nature in the Province.

EDUCATION.

93. In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following provisions :—

- (1.) Nothing in any such Law shall prejudicially affect any right or privilege with respect to Denominational Schools which any class of persons have by Law in the Province at the Union.
- (2.) All the powers, privileges and duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic subjects, shall be and the same are hereby extended to the Dissident Schools of the Queen's Protestant and Roman Catholic subjects in Quebec.
- (3.) Where in any Province a system of Separate or Dissident Schools exists by Law at the Union, or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor General in Council from any act or decision of any Provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to Education.
- (4.) In case any such Provincial Law as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this Section is not made, or in case any decision of the Governor General in Council on any appeal under this Section is not duly executed by the proper Provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial Laws for the due execution of the provisions of this Section, and of any decision of the Governor General in Council under this Section.

UNIFORMITY OF LAWS IN ONTARIO, NOVA SCOTIA, AND NEW BRUNSWICK.

94. Notwithstanding any thing in this Act, the Parliament of Canada may make provision for the uniformity of all or any of the Laws relative to property and civil rights in Ontario, Nova Scotia, and New Brunswick, and of the procedure of all or any of the

Courts in those three Provinces; and from and after the passing of any Act in that behalf, the power of the Parliament of Canada to make Laws in relation to any matter comprised in any such Act shall, notwithstanding any thing in this Act, be unrestricted, but any Act of the Parliament of Canada making provisions for such uniformity, shall not have effect in any Province unless and until it is adopted and enacted as Law by the Legislature thereof.

AGRICULTURE AND IMMIGRATION.

95. In each Province the Legislature may make Laws in relation to Agriculture in the Province, and to Immigration into the Province; and it is hereby declared that the Parliament of Canada may, from time to time, make Laws in relation to Agriculture in all or any of the Provinces, and to Immigration into all or any of the Provinces; and any Law of the Legislature of a Province relative to Agriculture or to Immigration, shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.

VII. JUDICATURE.

96. The Governor General shall appoint the Judges of the Superior, District, and County Courts, in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.

97. Until the Laws relative to Property and Civil Rights in Ontario, Nova Scotia, and New Brunswick, and the procedure of the Courts in those Provinces, are made uniform, the Judges of the Courts of those Provinces appointed by the Governor General shall be selected from the respective Bars of those Provinces.

98. The Judges of the Courts of Quebec shall be selected from the Bar of that Province.

99. The Judges of the Superior Courts shall hold office during good behaviour, but shall be removable by the Governor General on Address of the Senate and House of Commons.

100. The Salaries, Allowances, and Pensions of the Judges of the Superior, District, and County Courts, (except the Courts of Probate in Nova Scotia and New Brunswick), and of the Admiralty Courts, in cases where the Judges thereof are for the time being paid by salary, shall be fixed and provided by the Parliament of Canada.

101. The Parliament of Canada may, notwithstanding any thing in this Act, from time to time provide for the constitution, maintenance and organization of a General Court of Appeal for Canada, and for the establishment of any additional Courts for the better administration of the Laws of Canada.

VIII. REVENUES—DEBTS—ASSETS—TAXATION.

102. All Duties and Revenues over which the respective Legislatures of Canada, Nova Scotia, and New Brunswick, before and at the Union had and have power of appropriation, except such portions thereof as are by this Act reserved to the respective Legislatures of the Provinces, or are raised by them in accordance with the special powers conferred on them by this Act, shall form one Consolidated Revenue Fund, to be appropriated for the public service of Canada, in the manner and subject to the charges in this Act provided.

103. The Consolidated Revenue Fund of Canada shall be permanently charged with the costs, charges and expenses incident to the collection, management, and receipt thereof, and the same shall form the first charge thereon, subject to be reviewed and audited in such manner as shall be ordered by the Governor General in Council, until the Parliament otherwise provides.

104. The annual Interest of the Public Debts of the several Provinces of Canada, Nova Scotia, and New Brunswick, at the Union, shall form the second charge on the Consolidated Revenue Fund of Canada.

105. Unless altered by the Parliament of Canada, the Salary of the Governor General shall be Ten Thousand Pounds Sterling money of the United Kingdom of Great Britain and Ireland, payable out of the Consolidated Revenue Fund of Canada, and the same shall form the third charge thereon.

106. Subject to the several payments by this Act charged on the Consolidated Revenue Fund of Canada, the same shall be appropriated by the Parliament of Canada for the Public Service.

107. All Stocks, Cash, Bankers' Balances, and Securities for money belonging to each Province at the time of the Union, except as in this Act mentioned, shall be the property of Canada, and shall be taken in reduction of the amount of the respective Debts of the Provinces at the Union.

108. The Public Works and Property of each Province, enumerated in the third Schedule to this Act, shall be the property of Canada.

109. All Lands, Mines, Minerals and Royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick, at the Union, and all sums then due or payable for such Lands, Mines, Minerals, or Royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick, in which the same is situate or arise, subject to any trusts existing in respect thereof, and to any interest other than that of the Province in the same.

110. All Assets connected with such portions of the Public Debt of each Province as are assumed by that Province, shall belong to that Province.

111. Canada shall be liable for the Debts and Liabilities of each Province existing at the Union.

112. Ontario and Quebec, conjointly, shall be liable to Canada for the amount (if any) by which the debt of the Province of Canada exceeds, at the Union, sixty two millions five hundred thousand dollars, and shall be charged with interest at the rate of five per centum per annum thereon.

113. The Assets enumerated in the fourth Schedule to this Act belonging, at the Union, to the Province of Canada, shall be the property of Ontario and Quebec conjointly.

114. Nova Scotia shall be liable to Canada for the amount (if any) by which its Public Debt exceeds at the Union eight million dollars, and shall be charged with interest at the rate of five per centum per annum thereon.

115. New Brunswick shall be liable to Canada for the amount (if any) by which its Public Debt exceeds at the Union seven million dollars, and shall be charged with interest at the rate of five per centum per annum thereon.

116. In case the Public Debts of Nova Scotia and New Brunswick do not at the Union amount to eight million and seven million dollars respectively, they shall respectively receive by half-yearly payments in advance from the Government of Canada, interest at five per centum per annum on the difference between the actual amounts of their respective Debts and such stipulated amounts.

117. The several Provinces shall retain all their respective Public Property not otherwise disposed of in this Act, subject to the right of Canada to assume any Lands or Public Property required for Fortifications or for the defence of the Country.

118. The following sums shall be paid yearly by Canada to the several Provinces, for the support of their Governments and Legislatures :—

ONTARIO,	Eighty Thousand Dollars ;
QUEBEC,	Seventy Thousand Dollars ;
NOVA SCOTIA,	Sixty Thousand Dollars ;
NEW BRUNSWICK,	Fifty Thousand Dollars ;

Two Hundred and Sixty Thousand Dollars ;

and an annual Grant in aid of each Province shall be made, equal to eighty cents per head of the population, as ascertained by the Census of one thousand eight hundred and sixty one ; and in the case of Nova Scotia and New Brunswick, by each subsequent decennial Census, until the population of each of those two Provinces amounts to four hundred thousand souls, at which rate such Grant shall thereafter remain. Such Grants shall be in full settlement of all future demands on Canada, and shall be paid half-yearly in advance to each Province ; but the Government of Canada shall deduct from such Grants, as against any Province, all sums chargeable as Interest on the Public Debt of that Province in excess of the several amounts stipulated in this Act.

119. New Brunswick shall receive by half-yearly payments in advance from Canada, for the period of ten years from the Union, an additional allowance of sixty three thousand dollars per annum ; but as long as the Public Debt of that Province remains under seven million dollars, a deduction equal to the interest at five per centum per annum on such deficiency, shall be made from that allowance of sixty three thousand dollars.

120. All payments to be made under this Act, or in discharge of Liabilities created under any Act of the Provinces of Canada, Nova Scotia, and New Brunswick respectively, and assumed by Canada, shall, until the Parliament of Canada otherwise directs, be made in such form and manner as may from time to time be ordered by the Governor General in Council.

121. All articles of the growth, produce or manufacture of any one of the Provinces shall, from and after the Union, be admitted free into each of the other Provinces.

122. The Customs and Excise Laws of each Province shall, subject to the provisions of this Act, continue in force until altered by the Parliament of Canada.

123. Where Customs Duties are, at the Union, leviable on any goods, wares or merchandises in any two Provinces, those goods, wares and merchandises may, from and after the Union, being imported from one of those Provinces into the other of them, on proof of payment of the Customs Duties leviable thereon in the Province of exportation, and a payment of such further amount (if any) of Custom Duty as is leviable thereon in the Province of importation.

124. Nothing in this Act shall affect the right of New Brunswick to levy the Lumber Dues provided in Chapter fifteen of Title three of the Revised Statutes of New Brunswick, or in any Act amending that Act before or after the Union, and not increasing the amount of such Dues ; but the Lumber of any of the Provinces other than New Brunswick shall not be subject to such Dues.

125. No Lands or Property belonging to Canada or any Province shall be liable to Taxation.

126. Such portions of the Duties and Revenues over which the respective Legislatures of Canada, Nova Scotia and New Brunswick had, before the Union, power of Appropriation, as are by this Act reserved to the respective Governments or Legislatures of the Provinces, and all Duties and Revenues raised by them in accordance with the special powers conferred upon them by this Act, shall in each Province form one Consolidated Revenue Fund, to be appropriated for the Public Service of the Province.

IX. MISCELLANEOUS PROVISIONS.

GENERAL.

127. If any person being at the passing of this Act a Member of the Legislative Council of Canada, Nova Scotia, or New Brunswick, to whom a place in the Senate is offered, does not within thirty days thereafter, by writing under his hand addressed to the Governor General of the Province of Canada, or to the Lieutenant Governor of Nova Scotia or New Brunswick, (as the case may be), accept the same, he shall be deemed to have declined the same; and any person who, being at the passing of this Act a Member of the Legislative Council of Nova Scotia or New Brunswick, accepts a place in the Senate, shall thereby vacate his seat in such Legislative Council.

128. Every Member of the Senate or House of Commons of Canada shall, before taking his seat therein, take and subscribe before the Governor General or some person authorized by him, and every Member of a Legislative Council or Legislative Assembly of any Province shall, before taking his seat therein, take and subscribe before the Lieutenant Governor of the Province or some person authorized by him, the Oath of Allegiance contained in the fifth Schedule to this Act; and every Member of the Senate of Canada and every Member of the Legislative Council of Quebec shall also, before taking his seat therein, take and subscribe before the Governor General, or some person authorized by him, the Declaration of Qualification contained in the same Schedule.

129. Except as otherwise provided by this Act, all Laws in force in Canada, Nova Scotia, or New Brunswick, at the Union, and all Courts of Civil and Criminal Jurisdiction, and all legal Commissions, powers and authorities, and all Officers, judicial, administrative, and ministerial, existing therein at the Union, shall continue in Ontario, Quebec, Nova Scotia and New Brunswick respectively, as if the Union had not been made; subject, nevertheless, (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland,) to be repealed, abolished, or altered, by the Parliament of Canada, or by the Legislature of the respective Province, according to the authority of the Parliament, or of that Legislature, under this Act.

130. Until the Parliament of Canada otherwise provides, all Officers of the several Provinces having duties to discharge in relation to matters other than those coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces, shall be Officers of Canada, and shall continue to discharge the duties of their respective offices under the same liabilities, responsibilities, and penalties, as if the Union had not been made.

131. Until the Parliament of Canada otherwise provides, the Governor General in Council may, from time to time, appoint such Officers as the Governor General in Council deems necessary or proper for the effectual execution of this Act.

132. The Parliament and Government of Canada shall have all powers necessary or proper for performing the obligations of Canada or of any Province thereof, as part of the British Empire, towards Foreign Countries, arising under Treaties between the Empire and such Foreign Countries.

133. Either the English or French language may be used by any person in the Debates of the Houses of Parliament of Canada, and of the Houses of the Legislature of Quebec; and both those languages shall be used in the respective Records and Journals of those Houses; and either of those languages may be used by any person, or in any pleading or process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec. The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those languages.

ONTARIO AND QUEBEC.

134. Until the Legislature of Ontario or of Quebec otherwise provides, the Lieutenant Governors of Ontario and Quebec may each appoint under the Great Seal of the Province the following Officers, to hold office during pleasure, that is to say—The Attorney General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, and the Commissioner of Agriculture and Public Works, and in case of Quebec, the Solicitor General; and may, by order of the Lieutenant Governor in Council, from time to time prescribe the duties of those Officers, and of the several Departments over which they shall preside or to which they shall belong, and of the Officers and Clerks thereof, and may also appoint other and additional Officers to hold office during pleasure, and may from time to time prescribe the duties of those Officers, and of the several Departments over which they shall preside or to which they shall belong, and of the Officers and Clerks thereof.

135. Until the Legislature of Ontario or Quebec otherwise provides, all rights, powers, duties, functions, responsibilities, or authorities, at the passing of this Act vested in or imposed on the Attorney General, Solicitor General, Secretary and Registrar of the Province of Canada, Minister of Finance, Commissioner of Crown Lands, Commissioner of Public Works and Minister of Agriculture, and Receiver General, by any Law, Statute, or Ordinance of Upper Canada, Lower Canada, or Canada, and not repugnant to this Act, shall be vested in or imposed on any officer to be appointed by the Lieutenant Governor for the discharge of the same or any of them; and the Commissioner of Agriculture and Public Works shall perform the duties and functions of the Office of Minister of Agriculture at the passing of this Act, imposed by the Law of the Province of Canada, as well as those of the Commissioner of Public Works.

136. Until altered by the Lieutenant Governor in Council, the Great Seals of Ontario and Quebec respectively shall be the same, or of the same design, as those used in the Provinces of Upper Canada and Lower Canada respectively before their Union as the Province of Canada.

137. The words, "and from thence to the end of the then next ensuing Session of the Legislature," or words to the same effect, used in any temporary Act of the Province of Canada not expired before the Union, shall be construed to extend and apply to the next Session of the Parliament of Canada, if the subject matter of the Act is within the powers of the same as defined by this Act, or to the next Sessions of the Legislatures of Ontario and Quebec respectively, as if the subject matter of the Act is within the powers of the same as defined by this Act.

138. From and after the Union the use of the words "Upper Canada," instead of "Ontario," or "Lower Canada," instead of "Quebec," in any deed, writ, process, pleading, document, matter, or thing, shall not invalidate the same.

139. Any Proclamation under the Great Seal of the Province of Canada, issued before the Union, to take effect at a time which is subsequent to the Union, whether relating to that Province, or to Upper Canada, or to Lower Canada, and the several matters and things therein proclaimed, shall be and continue of like force and effect as if the Union had not been made.

140. Any Proclamation which is authorized by any Act of the Legislature of the Province of Canada to be issued under the Great Seal of the Province of Canada, whether relating to that Province, or to Upper Canada, or to Lower Canada, and which is not issued before the Union, may be issued by the Lieutenant Governor of Ontario or of Quebec, as its subject matter requires, under the Great Seal thereof; and from and after the issue of such Proclamation, the same and the several matters and things therein pro-

claimed, shall be and continue of the like force and effect in Ontario or Quebec as if the Union had not been made.

141. The Penitentiary of the Province of Canada shall, until the Parliament of Canada otherwise provides, be and continue the Penitentiary of Ontario and of Quebec.

142. The division and adjustment of the Debts, Credits, Liabilities, Properties and Assets of Upper Canada and Lower Canada shall be referred to the arbitrament of three Arbitrators,—one chosen by the Government of Ontario, one by the Government of Quebec, and one by the Government of Canada; and the selection of the Arbitrators shall not be made until the Parliament of Canada and the Legislatures of Ontario and Quebec have met; and the Arbitrator chosen by the Government of Canada shall not be a resident either in Ontario or in Quebec.

143. The Governor General in Council may, from time to time, order that such and so many of the Records, Books and Documents of the Province of Canada as he thinks fit, shall be appropriated and delivered either to Ontario or to Quebec, and the same shall thenceforth be the property of that Province; and any copy thereof, or extract therefrom, duly certified by the Officer having charge of the original thereof, shall be admitted as evidence.

144. The Lieutenant Governor of Quebec may, from time to time, by Proclamation under the Great Seal of the Province, to take effect from a day to be appointed therein, constitute Townships in those parts of the Province of Quebec in which Townships are not then already constituted, and fix the metes and bounds thereof.

X. INTER-COLONIAL RAILWAY.

145. Inasmuch as the Provinces of Canada, Nova Scotia, and New Brunswick, have joined in a declaration that the construction of the Inter-Colonial Railway is essential to the consolidation of the Union of British North America, and to the assent thereto of Nova Scotia and New Brunswick, and have consequently agreed that provision should be made for its immediate construction by the Government of Canada; therefore, in order to give effect to that agreement, it shall be the duty of the Government and Parliament of Canada to provide for the commencement, within six months after the Union, of a Railway connecting the River Saint Lawrence with the City of Halifax, in Nova Scotia, and for the construction thereof without intermission, and the completion thereof with all practicable speed.

XI. ADMISSION OF OTHER COLONIES.

146. It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on Addresses from the Houses of the Parliament of Canada, and from the Houses of the respective Legislatures of the Colonies or Provinces of Newfoundland, Prince Edward Island, and British Columbia, to admit those Colonies or Provinces, or any of them, into the Union, and on Addresses from the Houses of the Parliament of Canada to admit Rupert's Land and the North Western Territory, or either of them, into the Union, on such terms and conditions, in each case, as are in the Addresses expressed, and as the Queen thinks fit to approve, subject to the provisions of this Act; and the provisions of any Order in Council in that behalf, shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

147. In case of the admission of Newfoundland and Prince Edward Island, or either of them, each shall be entitled to a representation in the Senate of Canada of four Members, and (notwithstanding any thing in this Act) in case of the admission of Newfoundland, the normal number of Senators shall be seventy six, and their maximum number shall be eighty two; but Prince Edward Island, when admitted, shall be deemed to be

comprised in the third of the three divisions into which Canada is, in relation to the Constitution of the Senate, divided by this Act; and accordingly, after the admission of Prince Edward Island, whether Newfoundland is admitted or not, the representation of Nova Scotia and New Brunswick in the Senate shall, as vacancies occur, be reduced from twelve to ten Members respectively, and the representation of each of those Provinces shall not be increased at any time beyond ten, except under the provisions of this Act for the appointment of three or six additional Senators, under the direction of the Queen.

SCHEDULES.

THE FIRST SCHEDULE. ELECTORAL DISTRICTS OF ONTARIO.

A.

EXISTING ELECTORAL DIVISIONS.

COUNTIES.

- | | | |
|---------------|--------------|-------------------|
| 1. Prescott. | 4. Dundas. | 7. Prince Edward. |
| 2. Glengarry. | 5. Russell. | 8. Halton. |
| 3. Stormont. | 6. Carleton. | 9. Essex. |

RIDINGS OF COUNTIES.

10. North Riding of Lanark.
11. South Riding of Lanark.
12. North Riding of Leeds, and North Riding of Grenville.
13. South Riding of Leeds.
14. South Riding of Grenville.
15. East Riding of Northumberland.
16. West Riding of Northumberland, (excepting therefrom the Township of South [Monaghan].)
17. East Riding of Durham.
18. West Riding of Durham.
19. North Riding of Ontario.
20. South Riding of Ontario.
21. East Riding of York.
22. West Riding of York.
23. North Riding of York.
24. North Riding of Wentworth.
25. South Riding of Wentworth.
26. East Riding of Elgin.
27. West Riding of Elgin.
28. North Riding of Waterloo.
29. South Riding of Waterloo.
30. North Riding of Brant.
31. South Riding of Brant.
32. North Riding of Oxford.
33. South Riding of Oxford.
34. East Riding of Middlesex.

CITIES, PARTS OF CITIES, AND TOWNS.

- | | |
|-------------------|---------------|
| 35. West Toronto. | 38. Ottawa. |
| 36. East Toronto. | 39. Kingston. |
| 37. Hamilton. | 40. London. |
41. Town of Brockville, with the Township of Elizabethtown thereto attached.
 42. Town of Niagara, with the Township of Niagara thereto attached.
 43. Town of Cornwall, with the Township of Cornwall thereto attached.

NEW ELECTORAL DIVISIONS.

44. The Provisional Judicial District of Algoma.

The County of Bruce, divided into two Ridings, to be called respectively the North and South Ridings :—

45. The North Riding of Bruce to consist of the Townships of Bury, Lindsay, Eastnor, Albermarle, Amabel, Arran, Bruce, Elderslie, and Laugeen, and the Village of Southampton.

46. The South Riding of Bruce to consist of the Townships of Kincardine, (including the Village of Kincardine,) Greenock, Brant, Huron, Kinross, Culross, and Carrick.

The County of Huron, divided into two Ridings, to be called respectively the North and South Ridings :—

47. The North Riding to consist of the Townships of Ashfield, Wawanosh, Turnberry, Howick, Morris, Grey, Colborne, Hullett, including Village of Clinton, and M'Killop.

48. The South Riding to consist of the Town of Goderich and the Townships of Goderich, Tuckersmith, Stanley, Hay, Osborne, and Stephen.

The County of Middlesex, divided into Ridings, to be called respectively the North, West, and East Ridings :—

49. The North Riding to consist of the Townships of M'Gillivray and Biddulph, (taken from the County Huron,) and Williams East, Williams West, Adelaide, and Lobo.

50. The West Riding to consist of the Townships of Delaware, Carradoc, Metcalf, Moza, Ekpid, and the Village of Strathroy.

(The East Riding to consist of the Townships now embraced therein, and be bounded as it is at present.)

51. The County of Lambton to consist of the Townships of Bisanquet, Warwick, Plympton, Sarnia, Moore, Enniskillen, and Brooke, and the Town of Sarnia.

52. The County of Kent to consist of the Townships of Chatham, Dover, East Tilbury, Romney, Raleigh, and Harwick, and the Town of Chatham.

53. The County of Bothwell to consist of the Townships of Sombra, Dawn, and Euphemia (taken from the County of Lambton), and the Townships of Zone, Camden with the Gore thereof, Orford, and Howard (taken from the County of Kent).

The County of Grey divided into two Ridings, to be called respectively the South and North Ridings :—

54. The South Riding to consist of the Townships of Bentinck, Glenelg, Artemesia, Osprey, Normanby, Egremont, Preton, and Melancthon.

55. The North Riding to consist of the Townships of Collingwood, Euphrasia, Holland, Saint Vincent, Sydenham, Sullivan, Derby, and Keppel, Sarawak, and Brooke, and the Town of Owen Sound.

The County of Perth divided into two Ridings, to be called respectively the South and North Ridings :—

56. The North Riding to consist of the Townships of Wallace, Elma, Logan, Ellice, Mornington, and North Easthope, and the Town of Stratford.

57. The South Riding to consist of the Townships of Blanchard, Downie, South Easthope, Fullarton, Hibbert, and the Villages of Mitchell and Saint Marys.

The County of Wellington, divided into three Ridings, to be called respectively North, South, and Centre Ridings :—

58. The North Riding to consist of the Townships of Amaranth, Arthur, Luther, Minto, Maryborough, Peel, and the Village of Mount Forest.

59. The Centre Riding to consist of the Townships of Garafraxa, Erin, Eramosa, Nichol and Pilkington, and the Villages of Fergus and Elora.

60. The South Riding to consist of the Town of Guelph, and the Townships of Guelph and Puslinch.

The County of Norfolk, divided into two Ridings, to be called respectively the South and North Ridings :—

61. The South Riding to consist of the Townships of Charlotteville, Houghton, Walsingham and Woodhouse, and with the Gore thereof.
62. The North Riding to consist of the Townships of Middleton, Townsend and Windham, and the Town of Simcoe.
63. The County of Haldimand to consist of the Townships of Oneida, Seneca, Cayuga South, Raynham, Walpole and Dunn.
64. The County of Monck to consist of the Townships of Canborough and Moulton, and Sherbrooke, and the Village of Dunville (taken from the County of Haldimand), the Townships of Caistor and Gainsborough (taken from the County of Lincoln), and the Townships of Pelham and Wainfleet (taken from the County of Welland).
65. The County of Lincoln to consist of the Townships of Clinton, Grantham, Grimsby, and Louth, and the Town of Saint Catherine's.
66. The County of Welland to consist of the Townships of Bertie, Crowland, Humberstone, Stamford, Thorold, and Willoughby, and the Villages of Chippewa, Clifton, Fort Erie, Thorold, and Welland.
67. The County of Peel to consist of the Townships of Chinguacousy, Toronto, and the Gore of Toronto, and the Villages of Brampton and Streetsville.
68. The County of Cardwell to consist of the Townships of Albion and Caledon (taken from the County of Peel), and the Townships of Adjala and Mono (taken from the County of Simcoe.)

The County of Simcoe, divided into two Ridings, to be called respectively the South and North Ridings :—

69. The South Riding to consist of the Townships of West Gwillimbury, Tecumseth, Innisfil, Essa, Tosorentio, Mulmur, and the Village of Bradford.
70. The North Riding to consist of the Townships of Nottawasaga, Sunnidale, Vespra, Flos, Oro, Medonte, Orillia and Matchedash, Tiny and Tay, Balaklava and Robinson, and the Towns of Barrie and Collingwood.

The County of Victoria, divided into Two Ridings, to be called respectively the South and North Ridings :—

71. The South Riding to consist of the Townships of Ops, Manpossa, Emily, Verulam, and the Town of Lindsay.
72. The North Riding to consist of the Townships of Anson, Bexley, Carden, Dalton, Digby, Eldon, Fenelon, Hindon, Laxton, Lutterworth, Macaulay and Draper, Summerville and Morrison, Muskoka, Monck and Watt (taken from the County of Simcoe), and any other surveyed Townships lying to the north of the said North Riding.

The County of Peterborough, divided into Two Ridings, to be called respectively the West and East Ridings :—

73. The West Riding to consist of the Townships of South Monaghan (taken from the County of Northumberland), North Monaghan, Smith, and Ennismore, and the Town of Peterborough.
74. The East Riding to consist of the Townships of Asphodel, Belmont and Bethuen, Douro, Dummer, Galway, Harvey, Minden, Stanhope and Dysart, Otonabee, and Snowden, and the Village of Ashburnham, and any other surveyed Townships lying to the North of the said East Riding.

The County of Hastings, divided into three Ridings, to be called respectively the West, East, and North Ridings :—

75. The West Riding to consist of the Town of Belleville, the Township of Sydney, and the Village of Trenton.
76. The East Riding to consist of Townships of Thurlow, Tyendinaga, and Hungerford.
77. The North Riding to consist of the Townships of Rawdon, Huntingdon, Madoc, Elzevir, Tudor, Marmora and Lake, and the Village of Stirling, and any other surveyed Townships lying to the North of the said North Riding.

78. The County of Lennox to consist of the Townships of Richmond, Adolphustown, North Fredericksburg, South Fredericksburg, Ernest Town, and Amherst Island and the Village of Napanee.
79. The County of Addington to consist of the Townships of Camden, Portland, Sheffield, Hinchinbroke, Kaladar, Kenebec, Olden, Oso, Anglesea, Barrie, Clarendon, Palmerston, Effingham, Abinger, Miller, Canonto, Denbigh, Loughborough, and Bedford.
80. The County of Frontenac to consist of the Townships of Kingston, Wolfe Island, Pittsburgh and Howe Island, and Storrington.
- The County of Renfrew, divided into two Ridings, to be called respectively the South and North Ridings:—
81. The South Riding to consist of the Townships of M'Nab, Bagot, Blithfield, Brougham, Horton, Admaston, Grattan, Mattawachan, Griffith, Lyndock, Raglan, Radcliffe, Brudenell, Sebastopol, and the Villages of Arnprior and Renfrew.
82. The North Riding to consist of the Townships of Ross, Bromley, Westmeath, Stafford, Pembroke, Wilberforce, Alice, Petawawa, Buchanan, South Algoma, North Algoma, Fraser, M'Kay, Wylie, Rolph, Head, Maria, Clara, Hagerty, Sherwood, Burns, and Richards, and any other surveyed Townships lying north-westerly of the said North Riding.

Every Town and Incorporated Village existing at the Union, not specially mentioned in this Schedule, is to be taken as part of the County or Riding within which it is locally situate.

THE SECOND SCHEDULE.

Electoral Districts of Quebec specially fixed.

COUNTIES OF—

Pontia,	Missisquoi,	Compton,
Ottawa,	Brome,	Wolfe and Richmond,
Argenteuil,	Shefford,	Megantic.
Huntingdon,	Stanstead,	
	Town of Sherbrooke.	

THE THIRD SCHEDULE.

Provincial Public Works and Property to be the Property of Canada.

1. Canals, with land and water power connected therewith.
2. Public Harbours.
3. Light Houses and Piers, and Sable Island.
4. Steamboats, Dredges, and Public Vessels.
5. Rivers and Lake improvements.
6. Railways and Railway Stocks, Mortgages and other Debts due by Railway Companies.
7. Military Roads.
8. Custom Houses, Post Offices, and all other Public Buildings, except such as the Government of Canada appropriate for the use of the Provincial Legislatures and Governments.
9. Property transferred by the Imperial Government, and known as Ordnance Property.
10. Armories, Drill Sheds, Military Clothing, and Munitions of War, and Lands set apart for general public purposes.

THE FOURTH SCHEDULE.

Assets to be the Property of Ontario and Quebec conjointly.

Upper Canada Building Fund.

Lunatic Asylums.

Normal School.

Court Houses in Aylmer, Montreal, Kananaskis,—Lower Canada.

Law Society, Upper Canada.
 Montreal Turnpike Trust.
 University Permanent Fund.
 Royal Institution.
 Consolidated Municipal Loan Fund, Upper Canada.
 Consolidated Municipal Loan Fund, Lower Canada.
 Agricultural Society, Upper Canada.
 Lower Canada Legislative Grant.
 Quebec Fire Loan.
 Tamiscouata Advance Account.
 Quebec Turnpike Trust.
 Education, East.
 Building and Jury Fund, Lower Canada.
 Municipalities Fund.
 Lower Canada Superior Education Income Fund.

THE FIFTH SCHEDULE.

Oath of Allegiance.

I, A. B. do swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

NOTE.—The name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being, is to be substituted from time to time, with proper terms of reference thereto.

Declaration of Qualification.

I, A. B. do declare and testify, that I am by Law duly qualified to be appointed a Member of the Senate of Canada, (*or as the case may be*), and that I am legally or equitably seised as of Freehold for my own use and benefit of Lands or Tenements held in free and common socage, (*or seised or possessed for my own use and benefit of Lands or Tenements held in Franc-alieu or in Roture, as the case may be*), in the Province of Nova Scotia, (*or as the case may be*), of the value of four thousand dollars over and above all Rents, Dues, Debts, Mortgages, Charges and Incumbrances due or payable out of or charged on or affecting the same, and that I have not collusively or colourably obtained a title to or became possessed of the said Lands and Tenements, or any part thereof, for the purpose of enabling me to become a Member of the Senate of Canada, (*or as the case may be*), and that my Real and Personal Property are together worth four thousand dollars over and above my Debts and Liabilities.

INTER-COLONIAL RAILWAY.

On the 29th January, the following Memorandum was placed in the hands of Lord Carnarvon:—

In December, 1862, the Delegates from the several Provinces proposed to Her Majesty's Government that the Imperial guarantee should be given on the following conditions, viz:—

1. "That the Loan shall be for £3,000,000 Sterling.
2. "That the liabilities of each Colony shall be apportioned as follows—
 £1,250,000 for Canada; £875,000 for New Brunswick;
 £875,000 for Nova Scotia.
3. "The Debentures shall bear interest at the rate of 3½ per cent.
4. "The Interest shall be paid half-yearly in London on the first of May and on the first of November.

5. "That the sum borrowed shall be repaid in four instalments—

£250,000 in ten years;	£500,000 in twenty years;
£1,000,000 in thirty years;	£1,250,000 in forty years.
6. "The net profits of the Road shall be applied towards the extinction of the Debt.
7. "That the Loan shall be the first charge on the Revenue of each Colony after the existing debts and charges.
8. "That the Imperial Government shall have the right to select one of the Engineers to be appointed to make the surveys for the location of the Road.
9. "That the selection of the line shall rest with the Imperial Government.
10. "That if it is concluded that the work is to be constructed and managed by a Joint Commission, it shall be constituted in the following proportions:—Canada shall appoint two of the Commissioners, New Brunswick and Nova Scotia each one. These four shall name a fifth before entering upon the discharge of their duties.
11. "That such portions of the Railways now owned by the Governments of New Brunswick and Nova Scotia, which may be required to form part of the Inter-Colonial Road, will be worked under the above Commission.
12. "That all net gains or loss resulting from the working and keeping in repairs of any portions of the Roads constructed by Nova Scotia and New Brunswick, and to be used as a part of the Inter-Colonial Road, shall be received and borne by these Provinces respectively, and the surplus, if any, after the payment of Interest, shall go in abatement of Interest of the whole line between Halifax and Riviere du Loup.
13. "That the rates shall be uniform over each respective portion of the Road.
14. "That Crown Lands required for the Railway or Stations shall be provided by each Province."

The following counter proposition was made on the part of Her Majesty's Government:—

1. "That Bills shall be immediately submitted to the Legislatures of Canada, Nova Scotia, and New Brunswick, authorizing the respective Governments to borrow £3,000,000, under the guarantee of the British Government, in the following proportions:—five-twelfths, Canada; three and one half twelfths, Nova Scotia; three and one half twelfths, New Brunswick.
2. "But no such loan to be contracted on behalf of any one Colony until corresponding powers have been given to the Governments of the other two Colonies concerned, nor unless the Imperial Government shall guarantee payment of Interest on such Loan until repaid.
3. "The money to be applied to the completion of a Railway connecting Halifax with Quebec, on a line to be approved by the Imperial Government.
4. "The Interest to be a first charge on the Consolidated Revenue Funds of the different Provinces after the Civil List, and the interest of existing debts; and as regards Canada, after the rest of the six charges enumerated in the 5th and 6th Vic. Cap. 118, and 8rd and 4th Vic. Cap 85, (Act of Union.)

5. "The Debentures to be in series as follows, viz :—

£250,000	to be payable ten years after contracting Loan.
£500,000	do. twenty years do.
£1,000,000	do. thirty years do.
£1,250,000	do. forty years do.

"In the event of these Debentures, or any of them, not being redeemed by the Colonies at the period when they fall due, the amount unpaid shall become a charge upon their respective Revenues, next after the Loan, until paid. The Principal to be repaid as follows :—

"1st Decade, say 1863 to 1872 inclusive, £250,000, in redemption of the first series at or before the close of the first decade from the contracting of the Loan.

"2nd Decade, say 1873 to 1882 inclusive, a Sinking Fund of £40,000 to be remitted annually, being an amount adequate, if invested at five per cent. compound interest, to provide £500,000 at the end of the decade; the sum to be remitted annually to be invested in the names of Trustees, in Colonial Securities of any of the three Provinces prior to or forming part of the Loan now to be raised, or in such other Colonial Securities as Her Majesty's Government shall direct, and the then Colonial Governments approve.

"3rd Decade, say 1883 to 1892 inclusive, a Sinking Fund of £80,000 to be remitted annually, being an amount adequate, if invested at five per cent. compound interest, to provide £1,000,000 at the end of the decade. The amount, when remitted, to be invested as in the case of the Sinking Fund for the preceding decade.

"4th Decade, say 1893 to 1902 inclusive, a Sinking Fund of £100,000 to be remitted annually, being an amount adequate, if invested at five per cent. compound interest, to provide £1,250,000, being the balance of the Loan, at the end of the decade. This amount, when remitted, to be invested as in the preceding decade.

"Should the Sinking Fund of any decade produce a surplus, it will go to the credit of the next decade, and in the last decade the Sinking Fund will be remitted or reduced accordingly.

"It is of course understood that the assent of the Treasury to these arrangements presupposes adequate proof of the sufficiency of the Colonial Revenues to meet the charges intended to be imposed upon them.

6. "The construction of the Railway to be conducted by five Commissioners, two to be appointed by Canada, one by Nova-Scotia, and one by New-Brunswick. These four to choose the remaining Commissioner.

7. "The preliminary surveys to be effected at the expense of the Colonies, by three Engineers or other officers nominated, two by the Commissioners, and one by the Home Government.

8. "Fitting provision to be made for carriage of troops, &c.

9. "Parliament not to be asked for this guarantee until the line and surveys shall have been submitted to and approved of by Her Majesty's Government, and until it shall have been shewn to the satisfaction of Her Majesty's Government that the line can be constructed without further application for an Imperial guarantee."

This proposal was accepted by Nova-Scotia and New Brunswick, but objected to by Canada.

By the Despatch of Mr. Cardwell, dated the 17th June, 1864, the engagement of Her Majesty's Government to grant the guarantee was renewed, but consideration of the terms was postponed for future arrangement.

In consequence of the proposed Confederation of the Provinces, many of the clauses in both these propositions appear to be no longer required, and it is submitted that the terms of the Canada Guarantee Act of 1842 should be in the main followed. The Delegates therefore propose to Her Majesty's Government—

1st. "That a loan of £3,000,000 sterling, be negotiated with the guarantee of the Imperial Parliament, the proceeds to be applied to the construction of the Inter-Colonial Railway.

2d. "The rate of interest to be four per cent. payable half-yearly, and both principal and interest to form the first charge upon the Revenue of the Confederation after existing debts and charges.

3d. "A Sinking Fund at the rate of one per cent. per annum to be provided by the Confederation, to be invested in the securities of the Confederation existing prior to the guaranteed loan, or in such other securities as may be suggested by the Confederation, and approved by Her Majesty's Government."

The Trustees of the Sinking Fund to consist of one officer to be appointed by the Imperial Government, and another by the Government of the Confederation.

(Signed)

JOHN A. MACDONALD,

London, 29th January, 1867.

Chairman.

On the 12th February, a Deputation of the Conference, consisting of Messrs. Galt, Howland, Tupper, and Tilley, waited by invitation upon the Right Hon. the Chancellor of the Exchequer, and explained fully the object of having the guarantee of the Imperial Government placed upon the footing contained in the above Memorandum.

This interview was highly satisfactory, and left no doubt that the guarantee was not only secured, but that there would be no difficulty in arranging the details connected therewith.

The Deputation on that occasion placed the following Memorandum in the hands of the Chancellor of the Exchequer:—

MEMORANDUM

Respecting the Financial position and Trade of British North America.

REVENUE AND EXPENDITURE FOR LAST FINANCIAL YEAR.

<i>Revenue.</i>						
Canada,	...	...	...	...	...	\$12,432,748
Nova Scotia,	...	...	...	...	...	1,665,071
New Brunswick,	...	...	...	...	...	1,212,021
						\$15,309,840

<i>Expenditure.</i>						
Canada,	...	...	...	...	...	\$11,711,320
Nova Scotia, (about)	...	...	...	...	...	1,600,000
New Brunswick,	...	...	...	...	...	1,080,047
						\$14,391,367
Surplus,	...	...	...	...	...	\$918,473

N. B.—*Militia Expenditure last Year.*

Canada,	...	...	...	...	\$1,638,868
Nova Scotia,	...	...	...	...	156,460
New Brunswick,	...	...	...	...	152,148
					\$1,947,476

Public Debt of "Canada" will be—

Ontario and Quebec,	\$62,500,000
Nova Scotia,	8,000,000
New Brunswick,	7,000,000
	\$77,500,000

Charges on Public Debt last Year.

Canada,	\$3,692,412
Nova Scotia,	297,580
New Brunswick,	349,283
	\$4,339,275
After Union will be about	
	\$4,350,000

Trade and Shipping.

*IMPORTS.				Total.	From Gt. Britain.
Canada,				\$48,610,477	\$28,984,599
Nova Scotia,				14,381,662	6,315,988
New Brunswick,				7,086,595	2,284,449
				\$70,078,734	\$37,585,036
*EXPORTS.					
Canada,				\$53,930,789	\$12,766,668
Nova Scotia,				8,830,693	764,472
New Brunswick,				5,534,726	2,594,651
				\$68,296,208	\$16,125,791

*Exclusive of Coin and Bullion.

Tonnage.

ENTRIES—INWARDS.							Tons.
Canada,							938,946
Nova Scotia,							929,929
New Brunswick,							807,161
							2,676,036
OUTWARDS.							
Canada,					1,113,886		
Nova Scotia,					772,017		
New Brunswick,					754,876		
							2,640,279
							Tons, 5,316,315

SHIPPING OWNED IN—

Canada,	230,429
Nova Scotia,	403,409
New Brunswick,	309,695
Tons,	943,533

A BILL

For authorizing a Guarantee of Interest on a Loan to be raised by Canada towards the construction of a Railway connecting Quebec and Halifax.

WHEREAS the construction of a Railway, connecting the Port of Riviere du Loup in the Province of Quebec, with the line of Railway leading from the City of Halifax, in the Province of Nova Scotia, at or near the Town of Truro, in a line and on conditions approved by one of Her Majesty's Principal Secretaries of State, would conduce to the welfare of Canada, and promote the interests of the British Empire: And whereas it would greatly facilitate the construction of that Railway (in this Act referred to as the Railway,) if payment of interest on part of the money required to be raised for the same, were guaranteed under the authority of Parliament ;—

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. Subject to the provisions of this Act, the Commissioners of Her Majesty's Treasury may guarantee, in such manner and form as they think fit, payment of interest at a rate not exceeding four per centum per annum on any principal money not exceeding the sum of Three Million Pounds Sterling, to be raised by way of Loan by the Government of Canada, for the purpose of the construction of the Railway; and the Commissioners of Her Majesty's Treasury may from time to time cause to be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, any money required for giving effect to such guarantee.

2. The Commissioners of Her Majesty's Treasury shall not give any guarantee under this Act unless and until an Act of the Parliament of Canada has been passed, within two years after the union of Canada under the British North American Act, 1867, providing, to the satisfaction of one of Her Majesty's Principal Secretaries of State, as follows :—

1. For the construction of the Railway :
2. For the use of the Railway at all times for Her Majesty's Military and other service ; nor unless and until the line in which the Railway is to be constructed has been approved by one of Her Majesty's Principal Secretaries of State.

3. The Commissioners of Her Majesty's Treasury shall not give any guarantee under this Act unless and until an Act of the Parliament of Canada has been passed, providing, to the satisfaction of the Commissioners of Her Majesty's Treasury, as follows :—

1. For the raising, appropriation, and expenditure for the purpose of the construction of the Railway, of a Loan not exceeding Three Million Pounds Sterling, bearing interest at a rate not exceeding four per centum per annum :
2. For charging the Consolidated Revenue Fund of Canada with the principal and interest of the Loan immediately after the charges specifically made thereon by the British North American Act, 1867 :

8. For the payment by the Government of Canada, by way of Sinking Fund, of an annual sum at the rate of one per centum per annum on the entire amount of principal money whereon interest is guaranteed, to be remitted to the Commissioners of Her Majesty's Treasury, by equal half-yearly payments, in such manner as they from time to time direct, and to be invested and accumulated under their direction in the names of four Trustees, nominated from time to time, two by the Commissioners of Her Majesty's Treasury, and two by the Government of Canada; such Sinking Fund and its accumulations to be applied under the direction of the Commissioners of Her Majesty's Treasury in discharge of principal money whereon interest is guaranteed :
4. For charging the Consolidated Revenue Fund of Canada with the amount of the Sinking Fund immediately after the principal and interest of the Loan :
5. For charging the Consolidated Revenue Fund of Canada with any sum issued out of the Consolidated Fund of the United Kingdom under this Act, with interest thereon at the rate of five per centum per annum, immediately after the Sinking Fund :
6. For continuance of the Sinking Fund until all principal and interest of the loan, and all sums issued out of the Consolidated Fund of the United Kingdom under this Act, and all interest thereon, are fully discharged, or until the Sinking Fund and its accumulations are adequate to discharge so much thereof as remains undischarged :
7. For the raising by the Government of Canada (without guarantee by the Commissioners of Her Majesty's Treasury) of all such money (if any) beyond the sum of Three Million Pounds Sterling, as, in the opinion of one of Her Majesty's Principal Secretaries of State, will be requisite for the construction of the Railway, and for charging the Consolidated Revenue Fund of Canada with the money so raised, and interest, immediately after the charges made thereon, in pursuance of the foregoing provisions of this section.
4. There shall be laid before both Houses of Parliament, within fourteen days next after the beginning of every Session, a statement and account shewing what has been done from time to time in execution or pursuance of this Act, by or under the direction of the Commissioners of Her Majesty's Treasury, and one of Her Majesty's Principal Secretaries of State, and the Parliament and Government of Canada.
5. This Act may be cited as "The Canada Railway Loan Act, 1867."

After several protracted negotiations with the Secretary of State for the Colonies, and gentlemen connected with the Treasury Department, and furnishing them with statistical information of every description, Her Majesty's Government agreed to ask Parliament for a guarantee of Three Millions Sterling, to build the Inter-Colonial Railway.

Considerable difficulty arose with regard to the investment of the Sinking Fund, and the legislation required by Canada previous to the attaching of the guarantee. The Treasury Department required that Canada should provide by special law for raising the necessary Revenue to defray the Interest on the Loan before any guarantee should be made, and that the Sinking Fund should be invested in British funds. After a series of interviews they were induced to abandon their first condition as to proof of the Revenue required to meet the Loan, and also to agree to the proposal of the Delegates, that the Sinking Fund should be invested in Colonial or other Securities at the option of Canada.

We cannot close this Report without expressing our obligations to the Right Honorable the Earl of Carnarvon for the interest he evinced on our behalf, and for the patient manner in which he discussed the different questions that were raised during the progress of our deliberations, and for his energy and perseverance in carrying the Act of Union through the House of Lords, and to the Duke of Buckingham and Chandos for the hearty manner in which he entered into the question of guarantee, and for his strenuous exertions to induce the Treasury Department to accede to the proposition we made for securing the money, and for successfully carrying the Bill for the guarantee through the House of Lords; and to the Right Honorable Mr. Adderley for the ability he displayed in carrying the Act of Union and the guarantee through the House of Commons.

We also desire to express our great obligations to the Right Honorable Edward Cardwell, and to the Right Honorable Mr. Gladstone, Mr. Watkins, and other Members of the opposition, for the cheerful and efficient aid they rendered in carrying the measure.

P. MITCHELL,
S. L. TILLEY,
CHARLES FISHER,
ROBT. D. WILMOT,
E. B. CHANDLER,
J. M. JOHNSON.

To His Excellency Major General C. HASTINGS DOYLE,
Administrator of the Government,
&c. &c. &c.

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